



Agenda
Kirkwood City Council
City Hall
Council Chambers
139 South Kirkwood Road
Kirkwood, MO 63122
Thursday, September 7, 2023, 7:00 p.m.
Posted on September 1, 2023

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. INTRODUCTIONS AND RECOGNITIONS - NONE**

- IV. PRESENTATIONS**
 - 1. Greentree Festival Committee

- V. PUBLIC HEARINGS**
 - 1. Establishing the Property Tax Rates for the City of Kirkwood
 - 2. Establishing the Property Tax Rates for the Kirkwood Municipal Library

- VI. PUBLIC COMMENTS – 3 MINUTE LIMIT PER PERSON**

The Public Comments portion of the meeting is an opportunity for the City Council to listen to comments from citizens. It is not a question and answer session and the City Council will not respond to comments or answer questions during this period. The Mayor may refer any matter brought up to the City Council to the Chief Administrative Officer or City Clerk if action is needed.

- VII. CONSENT AGENDA**

All items within the Consent Agenda will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council. The expenditures listed in the consent agenda are items already approved in the current city budget.

- a) Approval of the August 17, 2023 Council Meeting Minutes
- b) Resolution 100-2023, appointing Melissa Range to the Aquatics Advisory Council for a term to June 2026
- c) Resolution 101-2023, appointing Tim Cox to the Urban Forestry Commission for a term to June 2026

- VIII. UNFINISHED BUSINESS**

- 1. Bill 10996, vacating a 10' wide easement as recorded in Deed Book 12599, Page 1967 of the St. Louis County Records, to be vacated, being located in Lot 2 of Walther Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 206, Pages 53 and 54 located in Section 12, Township 44 North, Range 5 East of the Fifth Principal Meridian located in the City of Kirkwood, St. Louis County, Missouri, is more particularly described on exhibits A and B



- IX. NEW BUSINESS**
1. Bill 10997, amending Chapter 24 "Tree Code" by deleting it in its entirety and inserting a new Chapter 24 "Tree Code"
 2. Bill 10998, fixing and establishing the rate of taxation to be levied upon all real estate and certain tangible personal property in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2023, for the maintenance of the Kirkwood public parks; for the Police and Firemen's Pension Fund; for general government services and for businesses in the Special Business District
 3. Bill 10999, fixing and establishing the rate of taxation to be levied upon all real estate and certain tangible personal property in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2023, for the operation and maintenance of the Municipal Library District of Kirkwood
 4. Bill 11000, amending Chapter 14, Article I, Section 14-1 and Article VII, Section 14-385, and deleting Section 14-386 of the Kirkwood Code of Ordinances
 5. Resolution 102-2023, accepting the bid of Contemporary Landscape in the amount of \$103,241.75 for Kirkwood City Property Grounds Maintenance for the Forestry Division for an initial term of 12 months with the option to renew for up to four additional terms and authorizing and directing the Mayor to enter into a contract
 6. Resolution 103-2023, authorizing and directing the Mayor to enter into a First Amendment to the Agreement for Police, Emergency Medical Services (EMS), and Fire Dispatching Services, and Ambulance Services with the City of Glendale

X. CONSENT AGENDA ITEMS FOR DISCUSSION (IF ANY)

XI. CITY COUNCIL REPORTS

XII. CHIEF ADMINISTRATIVE OFFICER REPORTS

XIII. CITY ATTORNEY REPORTS

XIV. CITY CLERK REPORTS

1. Report of the Planning & Zoning Commission Meeting
2. Upcoming Public Hearings:
September 21, 2023
A request for a Special Use Permit for a Tobacco & Vapor Products Store at 10424 Manchester Road

XV. MEETING ADJOURNMENT

The next regular meeting of the Kirkwood City Council will take place at **7:00 p.m. on September 21, 2023.**

CONTINUED ITEMS
NONE

TABLED ITEMS
NONE



Kirkwood City Council: Mayor Tim Griffin, Council Members Maggie Duwe, Liz Gibbons, Nancy Luetzow, Bob Sears, Kara Wurtz and Mark Zimmer

Contact Information: For full City Council contact information visit www.kirkwoodmo.org/council. To contact the City Clerk call 314-822-5802. To contact the Chief Administrative Officer call 314-822-5803.

Accommodation: The City of Kirkwood is interested in effective communication for all persons. Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802.

PROCEDURE FOR PUBLIC HEARING

Mayor: At this time the council will recess to conduct a public hearing regarding:

Establishing the Property Tax Rates for the City of Kirkwood

Mayor: Mr. Hessel, do you wish to enter any exhibits into the record?

Mayor: Mr. Hawes, who will present this issue to the City Council?

Assistant Director of Finance Jen Forgy

Mayor: David, has anyone completed a card to speak regarding this proposal?

Mayor: Is there anyone in the audience that did not complete a card that wishes to speak regarding this issue? (Please be sure to fill out a card before you leave so your name and address is reflected in the record)

Mayor: Hearing no further discussion, the council will take this matter under advisement and consider the hearing to be recessed.



The Countian (St Louis)
 100 S. Highway Drive
 Fenton, MO, 63099
 Phone: 3144211880 Fax: 0

THE ST. LOUIS COUNTIAN

Affidavit of Publication

2528456 County Aug. 11, 2023

To: City of Kirkwood - Laurie Asche
 139 S. Kirkwood Road
 Kirkwood, MO,

Re: Legal Notice 2528456, City of Kirkwood Tax Hearing
 State of MO }
 } SS:
 County of St. Louis }

I, Karie Clark, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each week for 1 consecutive weeks; and that the date of the publication were as follows: 08/11/2023.

Publishers fee: \$75.32

By: Karie Clark
 Karie Clark

Sworn to me on this 15th day of
 August 2023

By: Brandon M. Crail

Brandon M. Crail
 Notary Public, State of MO
 No. 20297982
 Qualified in St. Louis County
 My commission expires on
 March 5, 2024

BRANDON M. CRAIL
 Notary Public - Notary Seal
 State of Missouri
 Commissioned for St. Louis County
 My Commission Expires: March 05, 2024
 Commission Number: 20297982

Government				
Financials and Budgets				
NOTICE OF PUBLIC HEARING				
The Council of the City of Kirkwood will hold a public hearing at City Hall, 139 S. Kirkwood Road, Kirkwood, Missouri at the hour of 7:00 p.m. on Thursday September 7, 2023 at which time citizens may be heard on the proposed property tax rates.				
Each tax rate is determined by dividing the amount of revenue required by the current assessed valuation for each subclass. The result is multiplied by 100 so the tax rate will be expressed in cents per \$100 valuation. This proposed levy is subject to change pending action of the City Council, the Board of Equalization and/or the tax rate certification by the State Auditor.				
Assessed Valuation	Previous Year's Valuation	Current Year's Valuation		
City of Kirkwood				
Residential	824,314,470	940,734,820		
Commercial	141,059,730	168,951,404		
Personal Property	123,772,438	131,611,516		
Total	1,089,146,638	1,241,297,739		
Assessed Valuation				
Kirkwood Library				
Residential	816,554,280	931,214,700		
Commercial	124,192,567	149,995,751		
Personal Property	121,409,850	129,124,395		
Total	1,062,156,797	1,210,334,846		
Assessed Valuation				
Special Business District				
Commercial	39,056,040	46,569,480		
Proposed Tax Rate				
	Proposed Tax Rate	Proposed Tax Rate	Proposed Tax Rate	Proposed Property Tax
	Residential	Commercial	Personal	Revenue
Police & Fire Pension	0.100	0.127	0.180	1,392,204
Parks	0.115	0.138	0.200	1,578,221
General Gov't	0.235	0.260	0.340	3,097,480
Library	0.212	0.249	0.355	2,806,056
Special Business District	n/a	0.343	n/a	159,733

Such hearing may be adjourned from time to time until completed. By order of the City Council.

Laurie Asche
 City Clerk
 City of Kirkwood
 St. Louis County, Missouri

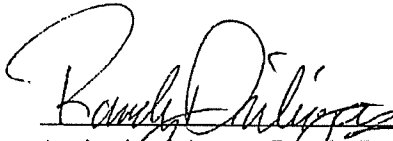
2528456 County Aug. 11, 2023


AFFIDAVIT OF PUBLICATION

Date: 8/10/2023

City of Kirkwood
 139 S. Kirkwood Rd.
 Kirkwood, MO 63122

I, Randy Drilingas, being duly sworn, both depose and say that I am an authorized representative of the WKTimes LLC, publishers of the Webster-Kirkwood Times Newspaper in the county of St. Louis, MO, and that the advertisement shown below was published in the Webster-Kirkwood Times August 11, 2023 edition.


 Authorized Agent, Randy Drilingas
 Webster-Kirkwood Times



NOTICE OF PUBLIC HEARING
 before the City Council
 of Kirkwood, MO

The Council of the City of Kirkwood will hold a public hearing at City Hall, 139 S. Kirkwood Road, Kirkwood, Missouri at the hour of 7:00 p.m. on Thursday, September 7, 2023 at which time citizens may be heard on the proposed property tax rates.

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	Prior Year Valuation 2022	Current Year Valuation 2023
Assessed Valuation		
City of Kirkwood		
Residential	824,314,470	940,734,820
Commercial	141,059,730	168,951,404
Personal Property	<u>123,772,438</u>	<u>131,611,515</u>
Total	1,089,146,638	1,241,297,739
Assessed Valuation		
Kirkwood Library		
Residential	816,554,280	931,214,700
Commercial	124,192,567	149,995,761
Personal Property	<u>121,408,950</u>	<u>129,124,395</u>
Total	1,062,155,797	1,210,334,846
Assessed Valuation		
Special Business District		
Commercial	39,056,040	46,569,480

	Proposed Tax Rate Residential	Proposed Tax Rate Commercial	Proposed Tax Rate Personal	Proposed Tax Rate Revenue
Police & Fire Pension	0.100	0.127	0.180	1,392,204
Parks	0.115	0.138	0.200	1,578,221
General Government	0.235	0.260	0.340	3,097,480
Library	0.212	0.249	0.355	2,806,056
Special Business District	n/a	0.343	n/a	159,733

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Laurie Asche
 City Clerk
 City of Kirkwood
 St. Louis County, Missouri

PROCEDURE FOR PUBLIC HEARING

Mayor: At this time the council will recess to conduct a public hearing regarding:

Establishing the Property Tax Rates for the Kirkwood Municipal Library

Mayor: Mr. Hessel, do you wish to enter any exhibits into the record?

Mayor: Mr. Hawes, who will present this issue to the City Council?

Assistant Director of Finance Jen Forgy

Mayor: David, has anyone completed a card to speak regarding this proposal?

Mayor: Is there anyone in the audience that did not complete a card that wishes to speak regarding this issue? (Please be sure to fill out a card before you leave so your name and address is reflected in the record)

Mayor: Hearing no further discussion, the council will take this matter under advisement and consider the hearing to be recessed.



The Countian (St Louis)
 100 S. Highway Drive
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 Phone: 3144211880 Fax: 0



2528456 County Aug. 11, 2023

Affidavit of Publication

To: City of Kirkwood - Laurie Asche
 139 S. Kirkwood Road
 Kirkwood, MO,
 Re: Legal Notice 2528456, City of Kirkwood Tax Hearing
 State of MO }
 } SS:
 County of St. Louis }

I, Karie Clark, being duly sworn, depose and say: that I am the Authorized Designee of The Countian (St Louis), a daily newspaper of general circulation in Fenton, County of St. Louis, State of MO; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Countian (St Louis) once each week for 1 consecutive weeks; and that the date of the publication were as follows: 08/11/2023.

Publishers fee: \$75.32

By: Karie Clark
 Karie Clark

Sworn to me on this 15th day of
 August 2023

By: Brandon M. Crail

Brandon M. Crail
 Notary Public, State of MO
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Government

Financials and Budgets

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Assessed Valuation City of Kirkwood	Year's Valuation			
	2022	2023		
Residential	824,314,470	940,734,820		
Commercial	141,059,730	168,951,404		
Personal Property	123,772,438	131,811,515		
Total	1,089,146,638	1,241,297,739		
Assessed Valuation Kirkwood Library				
Residential	816,554,280	931,214,700		
Commercial	124,192,567	149,995,751		
Personal Property	121,408,950	129,124,395		
Total	1,062,155,797	1,210,334,846		
Assessed Valuation Special Business District				
Commercial	39,056,040	46,569,480		
	Proposed Tax Rate	Proposed Tax Rate	Proposed Tax Rate	Proposed Property Tax Revenue
	Residential	Commercial	Personal	
Police & Fire Pension	0.100	0.127	0.180	1,392,204
Parks	0.115	0.138	0.200	1,578,221
General Gov't	0.235	0.260	0.340	3,097,480
Library	0.212	0.249	0.355	2,806,056
Special Business District	n/a	0.343	n/a	155,733

Such hearing may be adjourned from time to time until completed. By order of the City Council.

Laurie Asche
 City Clerk
 City of Kirkwood
 St. Louis County, Missouri

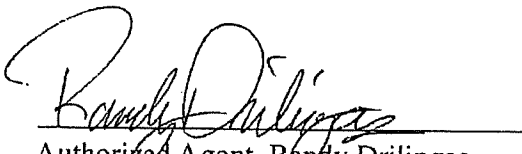
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Assessed Valuation		
<u>City of Kirkwood</u>		
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<u>Kirkwood Library</u>		
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Commercial	124,192,567	149,995,751
Personal Property	<u>121,408,950</u>	<u>129,124,395</u>
Total	1,062,155,797	1,210,334,846
<u>Special Business District</u>		
Commercial	39,056,040	46,569,480

	Proposed Tax Rate <u>Residential</u>	Proposed Tax Rate <u>Commercial</u>	Proposed Tax Rate <u>Personal</u>	Proposed Tax Rate <u>Revenue</u>
Police & Fire Pension	0.100	0.127	0.180	1,392,204
Parks	0.115	0.138	0.200	1,578,221
General Government	0.235	0.260	0.340	3,097,480
Library	0.212	0.249	0.355	2,806,056
Special Business District	n/a	0.343	n/a	159,733

Such hearing may be adjourned from time to time until completed. By order of the City Council.

Laurie Asche
 City Clerk
 City of Kirkwood
 St. Louis County, Missouri

THE CONSENT AGENDA IS ATTACHED

- a) Approval of the August 17, 2023 Council Meeting Minutes
- b) Resolution 100-2023, appointing Melissa Range to the Aquatics Advisory Council for a term to June 2026
- c) Resolution 101-2023, appointing Tim Cox to the Urban Forestry Commission for a term to June 2026



WHERE COMMUNITY AND SPIRIT MEET

DRAFT

**City Council Meeting Minutes
Kirkwood City Hall
Thursday, August 17, 2023, 7:00 p.m.**

Pursuant to notice of meeting duly given by the Mayor, the City Council convened on Thursday, August 17, 2023, at 7:00 p.m. at Kirkwood City Hall, 139 South Kirkwood Road, Kirkwood, Missouri. Present were: Present were Mayor Griffin, Council Members, Duwe, Gibbons, Luetzow, Sears, Wurtz, and Zimmer. Also in attendance were Chief Administrative Officer Russ Hawes, Assistant Chief Administrative Officer David Weidler, City Clerk Laurie Asche, Deputy City Clerk Bridget Waters, Assistant City Attorney Sarah White, Planning & Development Services Director Jonathan Raiche, and Public Services Director Chris Krueger.

INTRODUCTIONS AND RECOGNITIONS

NONE

PRESENTATION

NONE

PUBLIC HEARINGS

Mayor Griffin recessed the meeting for the purpose of conducting a public hearing regarding a request for a Zoning Code Text Amendment regarding the applicability of architectural review. Mrs. White entered the following exhibits into record: an Affidavit of Publication in the St. Louis Countian on July 25, 2023, as Exhibit 1; an Affidavit of Publication in the Webster-Kirkwood Times on July 28, 2023 as Exhibit 2; the report of the Planning and Zoning Commission Subcommittee dated July 19, 2023 as Exhibit 3; the memorandum of the Planning and Zoning Commission dated July 19, 2023 as Exhibit 4; the memorandum of the Planning and Zoning Commission dated August 17, 2023 as Exhibit 5; and the Kirkwood Code of Ordinances, as Exhibit 6.

Planning & Development Services Director Jonathan Raiche presented the matter to the Council:

- Staff initiated Zoning Code Text Amendment
- Recommendations were presented to the ARB and the P&Z Commission
- Summary of Revisions:
 - Revise list of minor projects that are exempt from review by the ARB (see next slide)
 - Clarify language to be consistent with other code sections
 - Does not change advisory vs. binding review
 - Makes time limit for sign permit review of 21 days consistent with other section of code
 - Creates consistency with proposed Landmarks/Historic Preservation ordinance – removes ARB from review of single family projects that are required to be solely reviewed by Landmarks/HPC



WHERE COMMUNITY AND SPIRIT MEET™

DRAFT

Council will discuss Landmarks revisions during the September 7th Work Session Meeting. First reading of both ARB & Landmarks amendments will be at the September 21st Council meeting.

PUBLIC COMMENTS

1. John Burns, 1881 Charmwood Ct. made comments about the LED Street Lighting and recommends using less than 4000 Kelvin lights.

CONSENT AGENDA

Motion was made by Council Member Zimmer and seconded by Council Member Duwe to approve the Consent Agenda. The Consent Agenda was unanimously approved.

- a) Approval of the August 3, 2023 Council Meeting Minutes
- b) Resolution 93-2023, accepting the bid of IMCO Utility Supply Company in the amount of \$25,100 (which includes a contingency of \$2,000) for the purchase of three 6 inch EZ-Stop Valves and Installation for the Water Department and authorizing and directing the Director of Procurement to issue a Purchase Order
- c) Resolution 94-2023, accepting the single source proposal of Schweitzer Engineering Laboratories in the amount of \$38,775 for the purchase of new relays for the Leffingwell Substation for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order

UNFINISHED BUSINESS

Bill 10994, amending Chapter 5, Article II, "Sign Code", Sections 5-10(a); 5-12; 5-14(t); 5-16(b); 5-17; 5-18(a) and 5-20 of the Code of Ordinances of the City of Kirkwood, Missouri was brought before the City Council.

Roll Call:

Mayor Griffin	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"
Council Member Wurtz	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"

The bill, having received majority approval of the Council, was adopted and became Ordinance 10822.

Bill 10995, readopting a procedure to disclose potential conflicts of interest and substantial interests for certain officials as set forth in Chapter 2, Article I, Section 2-5 of the Kirkwood Code of Ordinances was brought before the City Council.



WHERE COMMUNITY AND SPIRIT MEET

DRAFT

Roll Call:

Mayor Griffin	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"
Council Member Wurtz	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"

The bill, having received majority approval of the Council, was adopted and became Ordinance 10823.

Resolution 87-2023, accepting the bid of City Lighting Products in the amount of \$159,571.50 for the purchase of LED Street Lights for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Sears and seconded by Council Member Duwe to accept the Resolution as read. Discussion took place.

Roll Call:

Mayor Griffin	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"
Council Member Wurtz	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"No"

NEW BUSINESS

Bill 10996, vacating a 10' wide easement as recorded in Deed Book 12599, Page 1967 of the St. Louis County Records, to be vacated, being located in Lot 2 of Walther Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 206, Pages 53 and 54 located in Section 12, Township 44 North, Range 5 East of the Fifth Principal Meridian located in the City of Kirkwood, St. Louis County, Missouri, is more particularly described on exhibits A and B was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to accept the Bill as read. Discussion took place.

The bill received first reading approval and was held over.

Resolution 95-2023, accepting the bid of J.W. Bommarito Construction in the amount not to exceed of \$200,084 (which includes a contingency of \$18,189) for North Kirkwood Road water main replacement and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council



WHERE COMMUNITY AND SPIRIT MEET

Member Duwe and seconded by Council Member Wurtz to accept the Resolution as read. Discussion took place.

Roll Call:

Mayor Griffin	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"
Council Member Wurtz	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"

Resolution 96-2023, authorizing the filing of an application with the Municipal Park Grant Commission of St. Louis County to fund improvements to Little Mitchell Park in the City of Kirkwood, St. Louis County, Missouri was brought before the City Council. Motion was made by Council Member Wurtz and seconded by Council Member Gibbons to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"
Council Member Wurtz	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"

Resolution 97-2023, accepting the proposal of Tyler Technologies at the rates provided in the rate sheet for a Gateway Payment Vendor System for the ERP System and authorizing and directing the Mayor to enter into a contract was brought before the City Council. Motion was made by Council Member Duwe and seconded by Council Member Luetzow to accept the Resolution as read.

Roll Call:

Mayor Griffin	"Yes"
Council Member Luetzow	"Yes"
Council Member Sears	"Yes"
Council Member Wurtz	"Yes"
Council Member Zimmer	"Yes"
Council Member Duwe	"Yes"
Council Member Gibbons	"Yes"



WHERE COMMUNITY AND SPIRIT MEET

DRAFT

Resolution 98-2023, accepting the bid of Global Rental Co., Inc. in the amount of \$277,850 (pursuant to Sourcewell Cooperative Contract) for the purchase of a 2025 Aerial Service Truck for the Electric Department and authorizing and directing the Director of Procurement to issue a Purchase Order was brought before the City Council. Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to accept the Resolution as read. Discussion took place.

Roll Call:

Mayor Griffin	“Yes”
Council Member Luetzow	“Yes”
Council Member Sears	“Yes”
Council Member Wurtz	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	“Yes”
Council Member Gibbons	“Yes”

Resolution 99-2023, authorizing the Chief Administrative Officer to enter into a Collective Bargaining Agreement with the Local Union No. 2665 of the International Association of Firefighters effective August 17, 2023 through December 31, 2025 was brought before the City Council. Motion was made by Council Member Luetzow and seconded by Council Member Duwe to accept the Resolution as read.

Roll Call:

Mayor Griffin	“Yes”
Council Member Luetzow	“Yes”
Council Member Sears	“Yes”
Council Member Wurtz	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	“Yes”
Council Member Gibbons	“Yes”

CONSENT AGENDA ITEMS FOR DISCUSSION

NONE

CITY COUNCIL REPORTS

Council Member Gibbons wanted Council to recognized Kirkwood Resident Mike Cordy for the True Grit Award from the Missouri Trails Attorneys. Council Member Gibbons attended an event at Mudd’s Grove. The Kirkwood Historic Society received a grant from the Daughters of the American Revolution from the Webster Groves Chapter to repair the stairs on the front porch. The Art exhibit was install at KPAC with three new artist.



WHERE COMMUNITY AND SPIRIT MEET

DRAFT

**CHIEF ADMINISTRATIVE OFFICER REPORT
NONE**

**CITY ATTORNEY REPORT
NONE**

CITY CLERK REPORT

Ms. Asche reported two upcoming Public Hearings:

September 7, 2023

1. Establishing the Property Tax Rates for the City of Kirkwood
2. Establishing the Property Tax Rates for the Kirkwood Municipal Library

ADJOURNMENT

There being no further business to come before the Council, the formal meeting was adjourned at 7:45 p.m. The next regular meeting of the Kirkwood City Council will take place at 7:00 p.m. on September 7, 2023.

Laurie Asche
City Clerk

Approved:

RESOLUTION 100-2023

A RESOLUTION APPOINTING MELISSA RANGE TO THE AQUATIC ADVISORY COUNCIL FOR A TERM TO JUNE 2026.

WHEREAS, the City Council believes that Melissa Range should be appointed to the Aquatic Advisory Council for a term to June 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. Melissa Range hereby appointed to of the Aquatic Advisory Council for a term to June 2026.

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

There currently is a vacancy on the Aquatic Advisory Council.

Recommendations and Action Requested:

Appoint Melissa Range to serve on the Aquatic Advisory Council for a term to June 2026.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: 0000000000000000

Project #:

If YES, Budgeted Amount: \$0.00

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted: YES


BY: Laurie Asche


Date: 8/15/2023

Authenticated: aschelb

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. (**Must have Purchasing Director's approval**).

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.



Approve



Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

RESOLUTION 101-2023

A RESOLUTION APPOINTING TIM COX TO THE URBAN FORESTRY COMMISSION FOR A TERM TO JUNE 2026.

WHEREAS, the City Council believes that Tim Cox should be appointed to the Urban Forestry Commission for a term to June 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. Tim Cox hereby appointed to of the Urban Forestry Commission for a term to June 2026.

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

There is currently a vacancy on the Urban Forestry Commission.

Recommendations and Action Requested:

Appoint Tim Cox to the Urban Forestry Commission for a term to June 2026.

Alternatives Available:

Does this project have a public information component? Yes No


Cost: \$0.00 Account #: 000000000000 Project #:


If YES, Budgeted Amount: \$0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments: Budgeted: YES

BY: Laurie Asche Date: 8/28/2023 Authenticated: aschelb

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. (**Must have Purchasing Director's approval**).

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

BILL 10996

ORDINANCE

AN ORDINANCE VACATING A 10' WIDE EASEMENT AS RECORDED IN DEED BOOK 12599, PAGE 1967 OF THE ST. LOUIS COUNTY RECORDS, TO BE VACATED, BEING LOCATED IN LOT 2 OF WALTHER SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 206, PAGES 53 AND 54 LOCATED IN SECTION 12, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN LOCATED IN THE CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI, IS MORE PARTICULARLY DESCRIBED ON EXHIBITS A AND B (ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN).

WHEREAS, a 10' wide easement exists through the property at 1201 South Kirkwood Road to the Kirkwood Water Department, and

WHEREAS, the Water Department discovered that a portion of the existing easement at 1201 South Kirkwood Road was not previously vacated, and

WHEREAS, a new easement has been signed and recorded, and a new waterline has been installed in the new easement, and

WHEREAS, the Kirkwood Water Department has provided a letter of approval to vacate a portion of the easement, and

WHEREAS, the Engineering Department recommends approval of the vacation of the 10' wide easement as recorded in Deed Book 12599, Page 1967 of the St. Louis County Records, to be vacated, being located in Lot 2 of Walther Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 206, Pages 53 and 54 located in Section 12, Township 44 North, Range 5 East of the Fifth Principal Meridian, located in the City of Kirkwood, St. Louis County, Missouri, the centerline of which, is more particularly described as follows and as shown on Exhibits A and B (attached hereto and incorporated by reference herein).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. There is hereby vacated a 10' wide easement to the City of Kirkwood as recorded in Deed Book 12599, Page 1967 of the St. Louis County Records, to be vacated, being located in Lot 2 of Walther Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 206, Pages 53 and 54 located in Section 12, Township 44 North, Range 5 East of the Fifth Principal Meridian, City of Kirkwood, the centerline of which, is more particularly described as follows and as shown on Exhibits A and B (attached hereto and incorporated by reference herein):

Commencing at the southeast corner of Lot 17 of Geyer Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 85, Page 34 of the St. Louis County Records; thence along the south line of Lots 17 and 18 of Geyer Forest, North 88 degrees 37 minutes 03 seconds West, 202.29 feet to the east line of said Lot 18, said point also being located on the west line of above said Walther Subdivision, thence along said west line, South 01 degree 48 minutes 11 seconds West, 278.11 feet; thence departing said west line, South 88 degrees 11 minutes 49 seconds East, 13.91 feet to the POINT OF BEGINNING of the centerline of that part of above said 10 feet wide

easement to be vacated; thence along said centerline the following: North 23 degrees 56 minutes 59 seconds East, 205.00 feet and North 68 degrees 56 minutes 59 seconds East, 146.93 feet to its point of terminus.

SECTION 2. A certified copy of this ordinance shall be recorded with the Recorder of Deeds, St. Louis County.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 8/17/2023

Step #1:

Strategic Plan NO Goal # & Title Goal 1. Enhance the quality of life of citizens

Background To Issue:

A 10' wide easement exists through the property at 1201 S Kirkwood Road in Kirkwood as shown on the exhibit and legal descriptions of Exhibits "A" and "B". The Water Department discovered that existing easement on at 1201 S Kirkwood Road was not vacated previously. A new easement has been signed and recorded and a new waterline has been installed in the new easement. Kirkwood Water has provided a no objection letter attached.

Recommendations and Action Requested:

It is recommended the City Council approve the vacation of the easement as depicted in Exhibit "A" and as defined in legal description in Exhibit "B".

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0 Project #:

If YES, Budgeted Amount: If NO, or if insufficient funding (Complete Step #3).

Department Head Comments: Budgeted: YES

BY: Christopher Krueger Date: 8/9/2023 Authenticated: Ckrueger

You can attach up to 3 files along with this request.



Easement Vacation Exhibit
and Legal Description.pdf
Adobe Acrobat Document
808 KB



New Vianney Water
Easement.pdf
Adobe Acrobat Document
1.03 MB



Kirkwood Water Vacation
Letter.pdf
Adobe Acrobat Document
169 KB

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. (**Must have Purchasing Director's approval**).

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

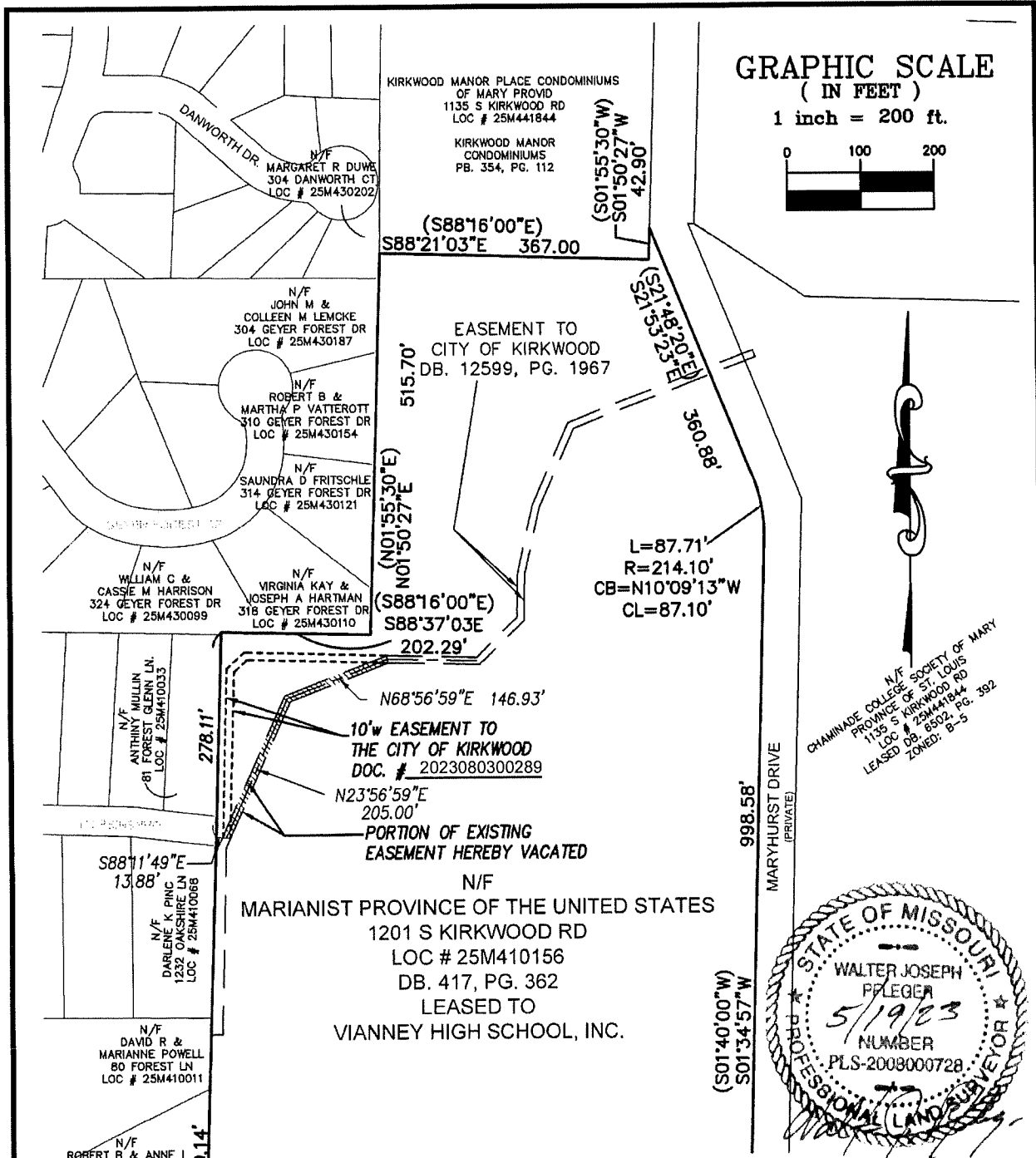
Chief Administrative Officer's Comments:

BY:



Date:

8/10/27

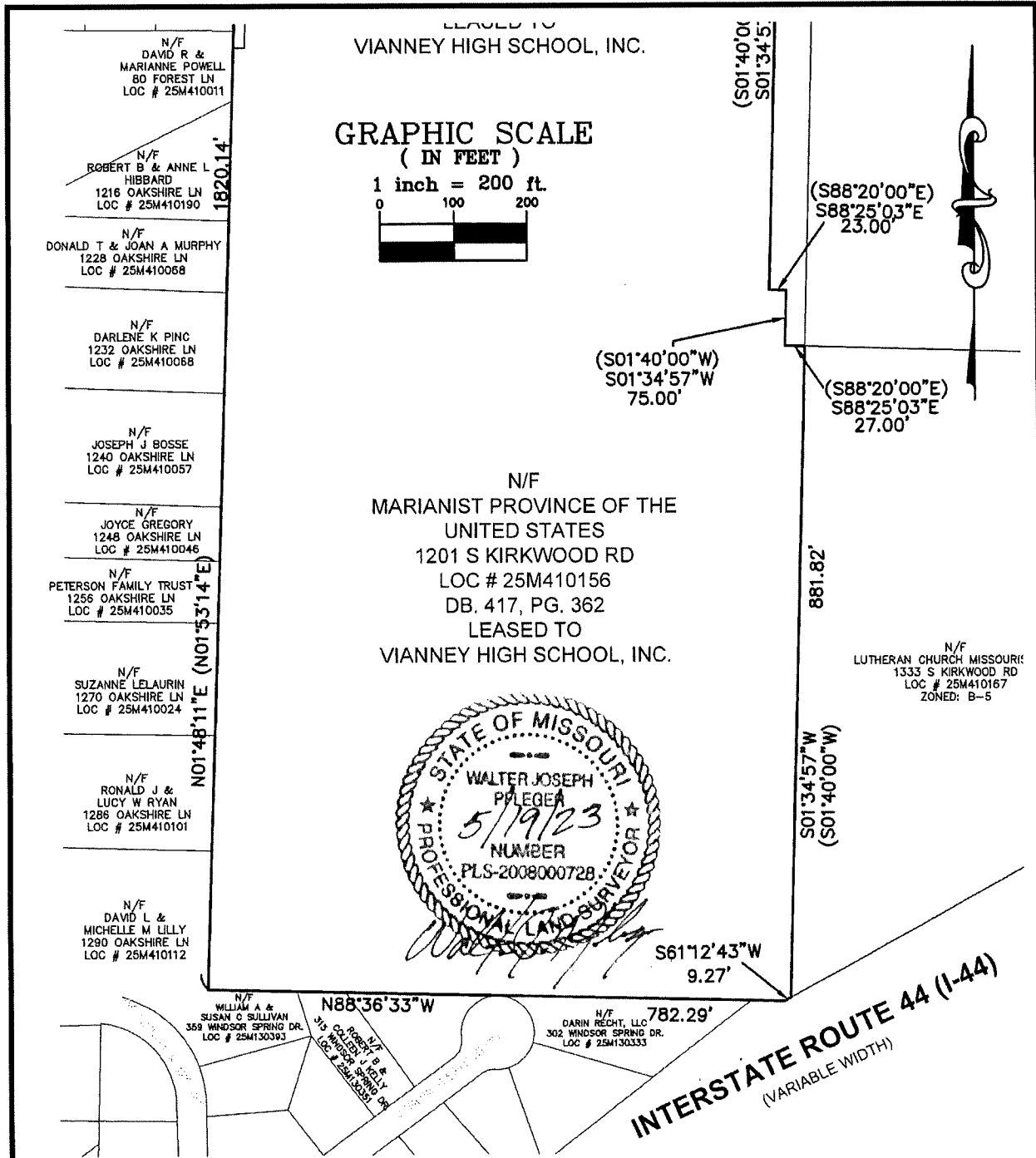


SHEET 1 OF 2 EXHIBIT "A"

INITIAL: _____

EASEMENT VACATION EXHIBIT

A TRACT OF LAND BEING PART WALTHER SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 206, PAGES 53 AND 54 LOCATED IN SECTION 12, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI



SHEET 2 OF 2 EXHIBIT "A" INITIAL: _____

EASEMENT VACATION EXHIBIT

A TRACT OF LAND BEING PART WALTHER SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 206, PAGES 53 AND 54 LOCATED IN SECTION 12, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI

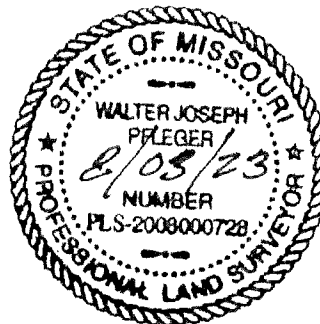
Easement Vacation Description

A portion of a 10 feet wide Easement to the City of Kirkwood as recorded in Deed Book 12599, Page 1967 of the St. Louis County Records, to be vacated, being located in Lot 2 of Walther Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 206, Pages 53 and 54 located in Section 12, Township 44 North, Range 5 East of the Fifth Principal Meridian, City of Kirkwood, St. Louis County, Missouri being more particularly described as follows:

Commencing at the southeast corner of Lot 17 of Geyer Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 85, Page 34 of the St. Louis County Records; thence along the south line of Lots 17 and 18 of Geyer Forest, North 88 degrees 37 minutes 03 seconds West, 202.29 feet to the east line of said Lot 18, said point also being located on the west line of above said Walther Subdivision, thence along said west line, South 01 degree 48 minutes 11 seconds West, 278.11 feet; thence departing said west line, South 88 degrees 11 minutes 49 seconds East, 13.91 feet to the POINT OF BEGINNING of the centerline of that part of above said 10 feet wide easement to be vacated; thence along said centerline the following: North 23 degrees 56 minutes 59 seconds East, 205.00 feet and North 68 degrees 56 minutes 59 seconds East, 146.93 feet to its point of terminus.

Sock & Associates Consulting Engineers, Inc
LC No. 222-D

By: Walter J. Pflieger
Walter J. Pflieger, MO PLS No. 2008-000728



2023080300286

CERTIFIED-FILED FOR RECORD
8/3/2023 12:11:26PM

GERALD E. SMITH
RECORDER OF DEEDS
COUNTY OF ST. LOUIS, MISSOURI

PAGES: 6
RECORDING FEE: \$36.00

THIS DOCUMENT WAS RECORDED

GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 S. CENTRAL AVE., CLAYTON, MO 63105-1799

Type of Instrument: EASEMENT
Grantor: MARIANIST PROVINCE
Grantee: CITY OF KIRKWOOD

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to the TYPE OF INSTRUMENT, the NAMES of the GRANTOR and GRANTEE as well as the DESCRIPTION of the REAL PROPERTY affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the ATTACHED DOCUMENT governs. Only the DOCUMENT NUMBER, the DATE and TIME of filing for record of the recorded Document is taken from this CERTIFICATION SHEET.

RECORDER OF DEEDS DOCUMENT CERTIFICATION

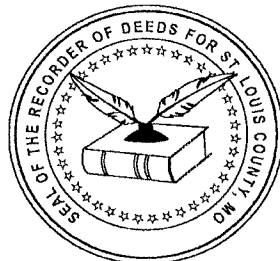
STATE OF MISSOURI)
SS.
COUNTY OF ST. LOUIS)

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 6 pages, (this page inclusive), was filed for record in my office on the 3 day of August 2023 at 12:11 pm and is truly recorded as the document number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

KRG

Deputy Recorder



Gerald E. Smith

Recorder of Deeds
St. Louis County, Missouri

DOCUMENT TYPE	Water Line Easement
DATE OF DOCUMENT	<u>June 20</u> , 2023
GRANTOR	Marianist Province of the United States, successor by merger to Society of Mary, Province of St. Louis. 4425 W. Pine Boulevard St. Louis, Missouri 63108-2301
GRANTEE	City of Kirkwood 139 S. Kirkwood Road Kirkwood, Missouri 63122
PROPERTY ADDRESS:	1201 S. Kirkwood Road St. Louis, Missouri 63122
COUNTY LOCATOR #	25M410156
CITY/MUNICIPALITY	Kirkwood, Missouri
LEGAL DESCRIPTION	A tract of land being part of Walther Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 206, pages 53 and 54 located in Section 12, Township 44 North, Range 5 East of the Fifth Principal Meridian, of the City of Kirkwood, St. Louis County, Missouri.

MSD 5.18 (CORPORATE with exhibit A)

EASEMENT FOR WATER PIPE

KNOWN ALL MEN BY THESE PRESENTS, that Marianist Province of the United States, successor by merger to Society of Mary, Province of St. Louis, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, does by these presents grant, sell, convey, and confirm unto the City of Kirkwood, Missouri, its successors and assigns, the perpetual right and easement to construct, repair, replace and forever maintain its water pipe and appurtenances, on the strip of ground described as shown on the attached "Easement Exhibit" marked Exhibit A", together with the right to use additional space adjacent to the above described easement as may be required during periods of construction maintenance and replacement.

The City of Kirkwood, its successors and assigns shall have the right to use and control a water pipe line for the circulation and distribution of water for public and private use through the above-described property belonging to the undersigned for all proper purposes connected with the installation, use, maintenance, and replacement of the water pipe line, along with all rights incidental to the exercise and enjoyment of said easement rights, including without limitation, the right of ingress and egress to the easement area.

The undersigned agrees not to obstruct or interfere with the maintenance of such pipe line by erecting or causing allowing to be erected, any building or structure on said easement, or to change the grade over easement after installation of utility.

The easement is granted to for the above-described water line installation, maintenance and replacement, and no other utility uses are hereby granted by this Easement

Said Easement is accepted by the City of Kirkwood with the understanding and on the condition that whenever it shall make any excavations in the above-described property, it shall restore the same as nearly as practicable to its former condition.

IN WITNESS WHEREOF, this instrument has been executed on this 20 day of June, 2023.

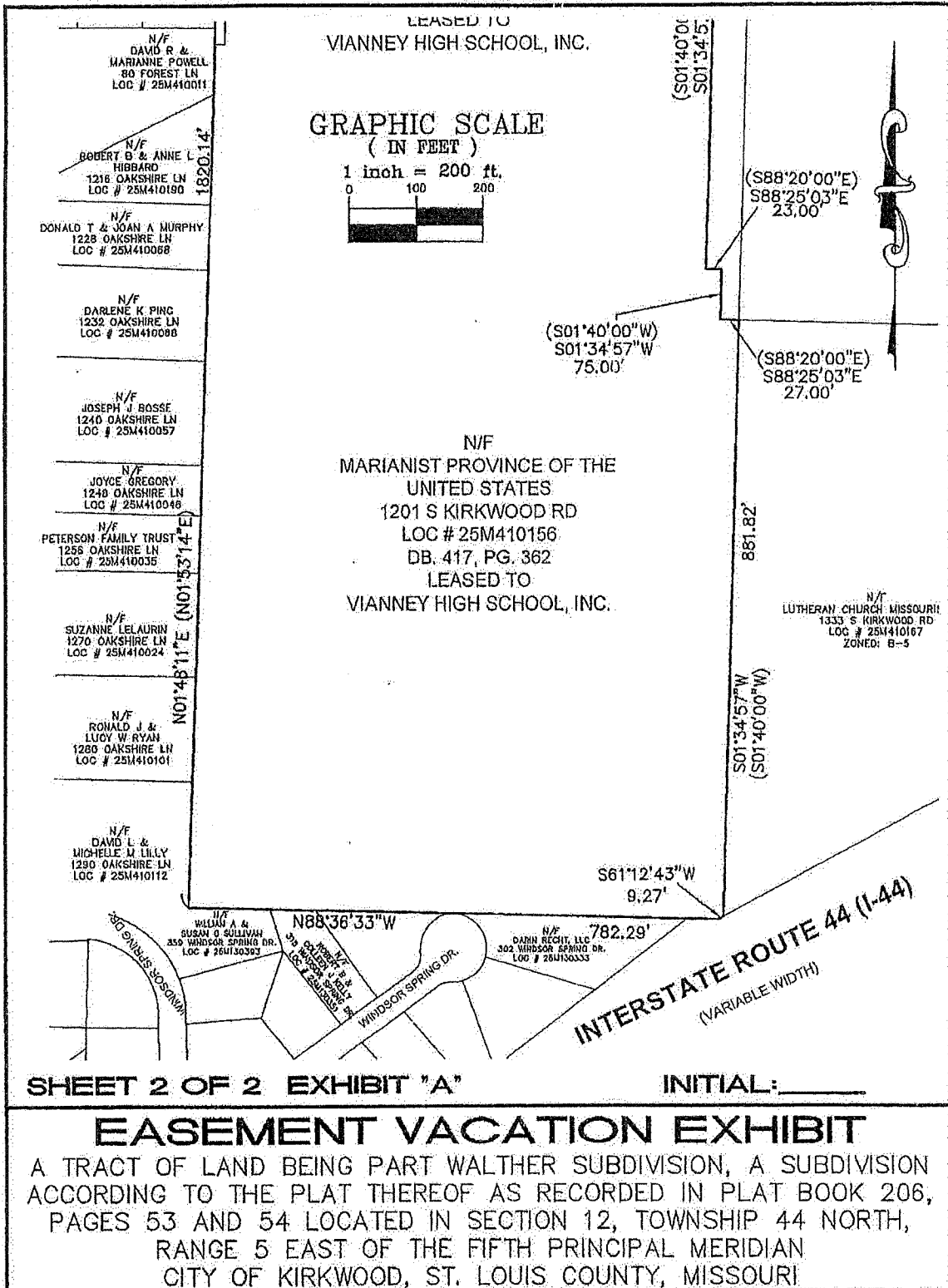
Marianist Province of the United States, successor by merger to Society of Mary, Province of St. Louis
A Missouri Nonprofit Corporation

Joseph Markel

Print Name: Joseph Markel

Print Title: Treasurer

VIANNEY HIGH SCHOOL BASEBALL/SOCCER SPORTS FIELD
MSD P# 0016729-04



SHEET 2 OF 2 EXHIBIT "A"

INITIAL: _____

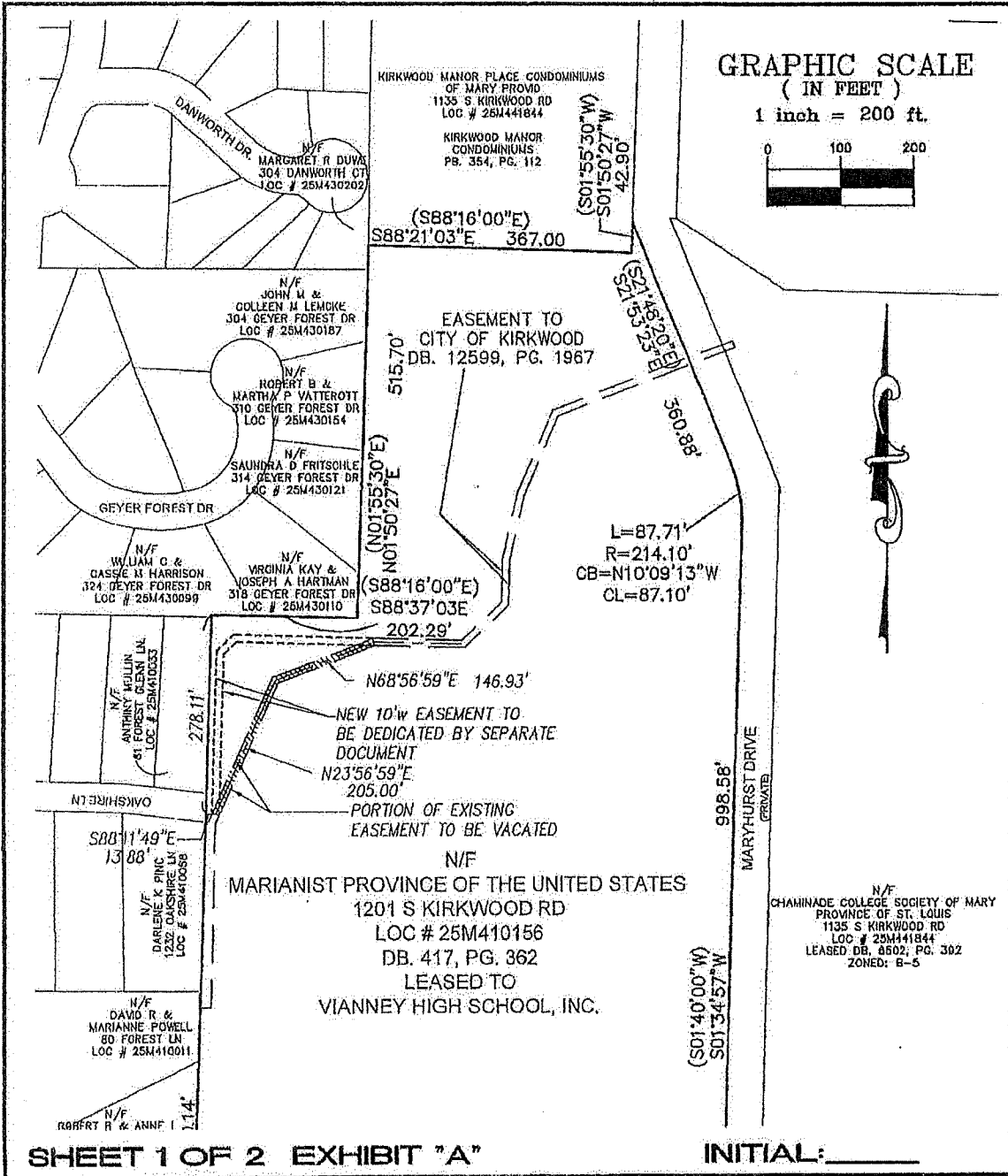
EASEMENT VACATION EXHIBIT

A TRACT OF LAND BEING PART WALTHER SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 206, PAGES 53 AND 54 LOCATED IN SECTION 12, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI

DATE 04/6/2015

4988\SURVEY\WATER-VAC-EXHIBIT.DWG

JM



EASEMENT VACATION EXHIBIT

A TRACT OF LAND BEING PART WALTHER SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 206, PAGES 53 AND 54 LOCATED IN SECTION 12, TOWNSHIP 44 NORTH, RANGE 5 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI

DATE 04/6/2015

4988\SURVEY\WATER-VAC-EXHIBIT.DWG

JDM

State of Missouri)
) SS.
County of St. Louis)

On this 20th day of JUNE in the year 2023 before me, PAT STEPHENS
Notary Public in and for said state, personally appeared JOSEPH MARKEL the
TREASURER

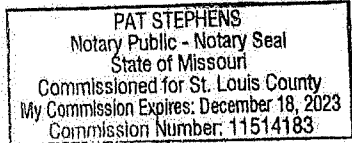
_____, of Marianist Province of the United States, successor by
merger to Society of Mary, Province of St. Louis, known to me to be the person who
executed the within Waterline Easement in behalf of said corporation and acknowledged to
me that he executed the same for the purposes therein stated

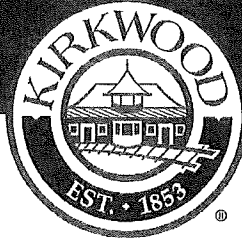
In testimony whereof, I have hereunto set my hand and affixed my official seal in
the County and State aforesaid the day and year first above written.

Pat Stephens

Notary

My Commission Expires: December 18, 2023





WHERE COMMUNITY AND SPIRIT MEET

August 4, 2023

Mr. Joe Pflieger, P.L.S., VP of Surveying
Stock & Associates Consulting Engineers, Inc.
257 Chesterfield Business Parkway
Chesterfield, MO 63005

RE: Proposed Vacation of Portion of Existing Easement as Established by Plat Book 206, Pages 53 and 54.

Dear Mr. Pflieger,

The City of Kirkwood Water Department has examined the request for vacation of easement located on the property of 1201 S. Kirkwood Road, Vianney High School and has determined there to be no water utility conflicts present in Easement Vacation Exhibit "A" and Plat Book 206, Pages 53 and 54. This portion of vacation would only apply to the easement as defined in Plat Book 206, Pages 53 and 54, and as depicted in Exhibit "A".

If you have any questions and/or comments regarding this letter, please contact me at 314-822-5810.

Sincerely,

Clarence A. Patterson

Superintendent, Kirkwood Water Department

Cc: Chris Krueger, Public Services Director

BILL 10997

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 24 "TREE CODE" BY DELETING IT IN ITS ENTIRETY AND INSERTING A NEW CHAPTER 24 "TREE CODE".

WHEREAS, the current Tree Code needs clarification of tree protection requirements for partial lot development and single family infill construction, and

WHEREAS, the proposed changes will simplify and clarify current regulations of tree protection, while adding a replanting fee for builders and homeowners, and

WHEREAS, staff recommends amending Chapter 24 "Tree Code" by deleting it in its entirety and inserting a new Chapter 24 "Tree Code".

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. Section 24 "Tree Code" is hereby amended by deleting it in its entirety and inserting a new Chapter 24 "Tree Code" as follows:

CHAPTER 24

TREE CODE

Article I.

GENERAL TREE REGULATIONS

Section 24-1. Purpose.

The purpose of this Code is to promote and protect the preservation, safety, and general welfare of the City's interests by providing for the regulation of the planting, protection, maintenance, survival and removal of the trees within the City of Kirkwood, Missouri. All regulations and fees are established to protect existing tree canopy and to increase the canopy goals through the City's established interests. All City Parks and Park Maintained spaces are exempt from this Ordinance.

Section 24-2. Definitions.

Adjusted Diameter. The DBH multiplied by the tree's Physical Deterioration rating, functional Obsolescence, and external Obsolescence. For example, if a tree has a DBH of 32 inches in diameter and is in relatively poor health with a physical deterioration of 40%, functional obsolescence of 80%, and external obsolescence of 80% its adjusted diameter is 8.2 inches.

Caliper. A unit measurement made of young trees for size classification. The caliper measurement is take at the base of the stem just above the root collar.

Canopy Coverage Map. A map required to meet tree protection guidelines that depicts the total canopy coverage on a lot, as well as impacted canopy and remaining canopy post disturbance.

Certified Arborist. An individual with a valid “Certified Arborist” designation from the International Society of Arboriculture.

DBH (Diameter at Breast Height). The diameter of a tree measured at four and one-half (4-½) feet above ground.

Heading cuts. A pruning cut made by reducing the trunk or branches of a tree to stubs or to lateral branches too small to assume the terminal role of the branch being cut.

Invasive. Any tree or shrub considered to be foreign or unnatural with the ability to overcome the natural vegetation and expand rapidly throughout the landscape.

Large Canopy Tree. Any tree with a mature height greater than 45 feet in height and not listed as an invasive or prohibited species.

Medium Canopy Tree. Any tree with a mature height greater than 30 feet in height and less than 45 feet in height not listed as an invasive or prohibited species.

Newly Planted Trees. Trees planted for the purpose of meeting the landscaping plan or Tree Study requirements for development on a site.

Public Trees. Trees located within the City’s paved right-of-ways, excluding trees within the Parks.

Removal. The complete removal from the site of all above ground material debris as well as the removal of the stump by either grinding or excavation.

Remove. The actual removal or causing the need to remove through damaging, poisoning, or other direct or indirect actions resulting in the death or serious decline of a tree.

Significant Tree. Any tree 6 inches in DBH or greater in fair or greater condition, excluding invasive species or “undesirable trees”.

Small Canopy Tree. Any tree with a mature height greater than 15 feet in and less than 30 feet in height that is not listed as an invasive or prohibited species.

Topping. The pruning practice of reducing the height or spread of a tree using heading cuts.

Tree. A woody plant typically growing as a single stem or a multiple stem in an upright form that will attain a mature height of at least ten feet and a diameter (DBH) of at least two inches.

Tree Manual. A document containing the technical requirements for tree planting, tree selection, tree maintenance, and tree protection as dictated by the City of Kirkwood. This document is the *City of Kirkwood Tree Manual*.

Tree Protection Plan (TPP). In reference to a plan written by a certified arborist, to protect the public and/or private trees impacted during activities regulated by Section 24-4.

Tree Study. In reference to documents as part of a Tree Protection Plan that details the full assessment of the public and private trees in relationship to development. These documents are completed by a Certified Arborist.

Undesirable Tree. Any tree classified as invasive or a nuisance by the City of Kirkwood.

Section 24-3. Public Trees

A. Property Owner Obligations

Trees shall be maintained to meet the City of Kirkwood clearance requirements as outlined in Section 16-2, Nuisances enumerated, subsection (d) of the Kirkwood Code of Ordinances. Permits for satisfying clearance requirements are not required, but no person shall damage, destroy, apply chemicals, remove or prune outside of the obligations contained in Section 16-2 without first obtaining a permit from the City's Urban Forester.

B. Prohibited Acts

It shall be unlawful and an offense of this Code for any person to:

1. Attach any rope, wire, nails, posters, or other contrivance to any public tree.
2. Attach any permanent electrical conductor or apparatus to any public tree.
3. Use tree spurs or climbing spikes on public trees, unless the tree is to be removed.
4. Deposit, store, or maintain any equipment or material that reasonably may be expected to impede the free passage of water, air or fertilizer to the roots of any public tree.
5. Cause any gaseous, liquid, or solid substance which because of the nature or amount reasonably may be expected to be toxic or otherwise harmful to public trees to be located where such substances reasonably may be expected to affect public trees.
6. Cause any fire to burn if such fire, or the heat, smoke, or ash there from reasonably may be expected to injure any portion of any public tree.

C. Required Permits

Any maintenance of Public Trees, outside of the obligations of property owners set forth above, shall require one of the following permits. Permit fees shall be set forth in accordance with Chapter 5, Article VIII, Section 5-208, Schedule on file.

1. Permit to Maintain

Permit to Maintain shall be required for maintenance of Public Trees other than set forth above, including, but not limited to, the following:

- i. Injecting with chemical applications;
- ii. Applying chemical applications;
- iii. Pruning (beyond the owner obligations of Section 24-3(A) Property owner obligations);
- iv. Cable and bracing; or
- v. Adding lightning protection

A Permit to Maintain shall only be valid for 30 days after the date of issuance. Tree maintenance shall be performed with care as outlined in the Tree Manual to prevent destruction of structural integrity, health and vigor, and irreversible damage.

2. Permit to Remove

If a property owner desires to remove a Public Tree located in the right-of-way adjacent to their property, the property owner shall apply for a Permit to Remove. The Urban Forester, or appointed representative, shall review the application and inspect the tree. The review shall result in one of the following:

- i. If the tree requested for Removal is determined to be a hazard, the City will manage the removal.
- ii. If the tree is determined not to be a hazard, the application will be presented to the Kirkwood Urban Forestry Commission for review.
 - 1) If approved, the Kirkwood Urban Forestry Commission may recommend to the Urban Forester that the adjoining property owner may remove the tree at his/her sole expense. Such recommendations shall be made in writing to the Urban Forester and property owner applying for the permit, and the Urban Forester shall make the final determination.
 - 2) As a condition for Removal, the Kirkwood Urban Forestry Commission may recommend to the Urban Forester that the permit applicant plant a tree of at least 2 inches Caliper of an approved species to be found in the Tree Manual, or pay a Replanting Fee in the same manner as allowed in Section 24-4(F)(1).
 - 3) The Urban Forester shall determine if the property owner may remove the tree.
 - 4) If denied, the tree shall not be removed.

3. Permit to Plant

If a property owner desires to plant a tree in the City right-of-way adjacent to their property, the property owner shall file a Permit to Plant Application. If approved, the following applies:

- i. Upon approval, the applicant shall follow all laws and regulations pertaining to excavation by the state of Missouri;
- ii. By obtaining a Permit to Plant, the permittee shall be exempt from obtaining an excavation permit from the City of Kirkwood on the basis of tree planting; and
- iii. All trees planted shall be selected and planted in accordance with the Tree Manual.

D. Permit Conditions

1. The Urban Forester may deny the issuance of any permit authorized under this Section if, in the sole discretion of the Urban Forester, the issuing of the permit is not in the best interest of the City in maintaining the sustainability and health of the urban forest.
2. All maintenance performed on Public Trees shall be completed by a Certified Arborist, other than maintenance to comply with clearance requirements as set forth above, unless the requirement of a Certified Arborist is waived by the Urban Forester.
3. Closure of any street or public right-of-way for performance of work shall be completed in accordance with Chapter 20 of this Code.
4. In the event of severe storms or other emergency situations resulting in extraordinary situations, the Director of Public Services with the coordination of the Urban Forester, may waive any or all parts of this Chapter as deemed necessary.

ARTICLE II.
TREE PRESERVATION AND PROTECTION

Section 24-4. Tree Preservation and Protection

- A. Tree Preservation and Protection for the City of Kirkwood is required to provide three primary functions:
1. To keep the foliage canopy and branching structure clear from contact by equipment, materials, and activities.
 2. To preserve roots and soil conditions in an intact and non-compacted state.
 3. To identify the Tree Protection Zone (TPZ) in which no disturbance to soil or any and all parts of the tree both above ground and below shall be permitted.
- B. A Tree Protection Plan, including a Tree Study, approved by the Urban Forester, or designee, shall be required for all permits from the Building and/or Engineering Divisions that include:
1. All New Construction, Demolition, Excavation, Grading, and Complete Site Redevelopment, or
 2. All partial site development including additions or exterior alterations that impact 33% or more of the lot area.
 3. If a project with partial site development does not meet the requirements for providing a Tree Protection Plan listed above, but will include grading or other construction activity/impact within 10 ft. of a Significant Tree and/or City tree, tree protection measures will be required to be installed and maintained throughout the project, but no Tree Study is required.
- C. All Tree Protection Plans shall be completed by a Certified Arborist and must follow the protocols outlined here within. Approval shall be determined upon reasonable efforts to preserve trees on the site as determined by the guidelines set forth below.
1. Tree Protection Plans will contain the following:
 - i. A site map clearly marking:
 - 1) Proposed improvements;
 - 2) Trees proposed for Removal;
 - 3) Trees proposed for Tree Protection including locations of any and all tree protection methods to be used; and,
 - 4) Trees shall be numbered.
 - ii. A Tree Study, if applicable, that contains the following:

- 1) An appraisal and assessment of all public trees, trees on the site greater than 6 inches in diameter, and all trees on neighboring and adjacent property within 10 feet of the property line.

This shall include:

- (a) Tree Number
 - (b) Species name (Botanical)
 - (c) Diameter taken at breast height (DBH) and recorded in inches
 - (d) Physical Deterioration:
 - (i) Represented as a percentage value of 0-100
 - (e) Functional Obsolescence:
 - (i) Represented as a percentage value of 0-100
 - (f) External Obsolescence:
 - (i) Represented as a percentage value of 0-100
 - (g) Comments
 - (h) Total appraised value represented in U.S. Dollars:
 - (i) The Appraisal shall be completed by using the *Trunk Formula Technique (TFT)* from the *“Guide for Plant Appraisal, 10th Edition”*
- 2) Canopy Coverage Map
 - (a) A site map clearly marking:
 - (i) Existing canopy coverage of the complete lot
 - (ii) Proposed canopy for Removal
 - (iii) Proposed canopy preserved after project completion
 - (iv) Proposed site plan
 - (v) All trees marked and numbered
 - (b) A table showing canopy coverage percentages
 - (i) Existing canopy coverage of lot
 - (ii) Post project completion canopy coverage of lot
 - (iii) All trees with corresponding numbers and species

D. Canopy Coverage Requirements

1. All single family lots shall have minimum tree canopy coverage of 350 square feet per 1000 square feet of lot area (35% coverage).
2. Canopy coverage for existing trees shall be measured as represented in the field. Canopy for newly planted trees shall be estimated using the following rates for species provided in the City of Kirkwood’s Recommended Species List.

- i. Large Canopy Trees: 1,000 square feet
 - ii. Medium Canopy Trees: 700 square feet
 - iii. Small Canopy Trees: 350 square feet
3. All trees designated to be protected or included in the canopy requirements shall be of a species not listed as a Prohibited Species in the Tree Manual. Existing trees shall be live, healthy trees over 6 inches in diameter and in good or fair condition of health. New deciduous trees shall be a minimum of 2 inches Caliper and evergreen trees shall be a minimum of 8 feet in height.

Any deciduous or evergreen tree planted for the purpose of screening shall receive 25 square feet of canopy per tree, with a limit of 350 square feet to be included in canopy coverage calculations.

E. Tree Replacement Requirements

The following tree replacement requirements shall apply to projects described in Section 24-4(B) unless otherwise noted.

1. Frontage Trees: The developer, builder, or home owner shall be required to plant trees in front of the building line but not within the public right of way approximately five to 10 feet from the public right away along all streets for single family lot development. The trees shall be provided in a ratio of not less than one tree for every fifty (50) feet of frontage. At street corners, the nearest tree shall be planted a minimum 25 feet from the intersection of the street right of way lines. These trees shall be included in calculating Tree Canopy Coverage requirements in 24-4(D).
2. Tree Density and Canopy Coverage: If the canopy coverage requirements in Section 24-4(D) cannot be met through preservation of existing trees, trees shall be provided to meet said requirement. The tree canopy area shall be shown on the final Tree Protection Plan. Canopy coverage estimates for planted trees shall be drawn in accordance with the canopy sizes for trees shown on the City of Kirkwood's Recommended Species list.

If the site does not allow sufficient space for replanting the required number of trees to meet these canopy coverage requirements, it shall be considered a failure to comply with Chapter 24, Article II; and the developer, builder, or property owner must fulfill these requirements through a Replanting Fee as described below in Section 24-4(F)(2).

3. All trees planted as part of tree replacement or canopy coverage requirements are subject to the following specifications:
 - i. Tree set-back:
 - 1) Trees shall not be planted within 5 linear feet of the property line.
 - 2) If there is a utility easement, no tree shall be planted within 10 linear feet of the center of the easement unless approved by the City of Kirkwood Forestry Division.

ii. Overhead Utilities

- 1) Only small trees are to be permitted within the utility easement with approval of the City of Kirkwood Forestry Division.
- iii. Restricted Trees for use of Canopy Coverage
 - 1) Trees planted within the City Rights of Way are not to be included in Canopy Coverage Calculations.
- iv. Planting Specifications
 - 1) All trees must be planted following the *International Society of Arboriculture's Best Management Practices – Tree Planting*.
 - 2) All non-biodegradable material shall be removed from the tree. This includes but is not limited to:
 - a. All rope and twine wrapped around the root ball and/or trunk.
 - b. The top 1/3 of burlap shall be cut and removed from the root ball.
 - c. The top 1/3 of any wire basket shall be cut and removed from the root ball.

F. Failure to Comply with Tree Protection Plans

1. Any failure to comply with an approved Tree Protection Plan or Tree Replacement Requirements shall be deemed as an offense, and the owner and developer shall be subject to the penalties set forth herein. The failure to protect multiple trees on one site shall constitute a separate and distinct offense for each affected tree.
 - i. Failure to Protect Trees Designated for Protection within the approved Tree Protection Plan. If during development or site disturbance, trees designated to be protected are damaged:
 - 1) If the tree is determined that it will need to be removed:
 - a. The builder, developer, or owner shall be required to provide an updated Tree Study and Canopy Coverage Map.
 - b. Replant trees based on the adjusted diameter inch; or,
 - c. Pay a replanting fee to the City of Kirkwood of \$250.00 per adjusted diameter inch will be issued for the replacement of the removed trees..
2. Replanting Fee: When canopy coverage requirements are not met; developers, builders, or homeowners shall pay a replanting fee to the City of Kirkwood of \$500.00 per 1000 square feet of canopy.
3. All Replanting Fees shall be placed in a designated bank account solely used for the costs associated with tree maintenance and protection.

ARTICLE III.
PENALTIES AND DAMAGES

Section 24-5. Penalties

Failure to comply with the provisions of this Chapter shall be considered a municipal offense, and the City may take actions in accordance with Chapter 1, Article I, Section 1-8 "Violations and Penalties." of the Code of Ordinances of the City.

Appraised value for damages and violations of any provision of this Chapter shall be determined by the Urban Forester using the latest revision of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture.

SECTION 2. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS DAY OF .

Mayor, City of Kirkwood

ATTEST:

City Clerk
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan YES Goal # & Title

Background To Issue:

The current Tree Ordinance needs clarification on Tree Protection requirements for partial lot development and single family infill construction. The proposed Ordinance changes with simplify, and clarify current regulations of tree protection while adding a replanting fee for builders and homeowners.

Recommendations and Action Requested:

To pass and adopt the Tree Ordinance changes.

Alternatives Available:

None

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0

Project #:

If YES, Budgeted Amount:

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted: YES

BY: Cory Meyer

Date: 8/28/2023

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

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Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

CHAPTER 24

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TREE CODE

Article I.
GENERAL TREE REGULATIONS

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Section 24-1. Purpose.

The purpose of this Code is to promote and protect the preservation, safety, and general welfare of the City's interests by providing for the regulation of the planting, protection, maintenance, survival and removal of the trees within the City of Kirkwood, Missouri. [All regulations and fees are established to protect existing tree canopy and to increase the canopy goals through the City's established interests.](#) All City Parks and Park Maintained spaces are exempt from this Ordinance.

Section 24-2. Definitions.

Adjusted Diameter. The DBH multiplied by the tree's Physical Deterioration rating, functional Obsolescence, and external Obsolescence. For example, if a tree has a DBH of 32 inches in diameter and is in relatively poor health with a physical deterioration of 40%, functional obsolescence of 80%, and external obsolescence of 80% its adjusted diameter is 8.2 inches.

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Caliper. [A unit measurement made of young trees for size classification. The caliper measurement is take at the base of the stem just above the root collar.](#)

Canopy Coverage Map. A map required to meet tree protection guidelines that depicts the total canopy coverage on a lot, as well as impacted canopy and remaining canopy post disturbance.

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Certified Arborist. An individual with a valid "Certified Arborist" designation from the International Society of Arboriculture.

DBH (Diameter at Breast Height). The diameter of a tree measured at four and one-half (4-1/2) feet above ground.

Heading cuts. A pruning cut made by reducing the trunk or branches of a tree to stubs or to lateral branches too small to assume the terminal role of the branch being cut.

Invasive. Any tree or shrub considered to be foreign or unnatural with the ability to overcome the natural vegetation and expand rapidly throughout the landscape.

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Large Canopy Tree. [Any tree with a mature height greater than 45 feet in height and not listed as an invasive or prohibited species.](#)

Medium Canopy Tree. Any tree with a mature height greater than 30 feet in height and less than 45 feet in height not listed as an invasive or prohibited species.

Newly Planted Trees. Trees planted for the purpose of meeting the landscaping plan or Tree Study requirements for development on a site.

Public Trees. Trees located within the City’s paved right-of-ways, excluding trees within the Parks.

Removal. The complete removal from the site of all above ground material debris as well as the removal of the stump by either grinding or excavation.

Remove. The actual removal or causing the need to remove through damaging, poisoning, or other direct or indirect actions resulting in the death or serious decline of a tree.

Significant Tree. Any tree 6 inches in DBH or greater in fair or greater condition, excluding invasive species or “undesirable trees”.

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Small Canopy Tree. Any tree with a mature height greater than 15 feet in and less than 30 feet in height that is not listed as an invasive or prohibited species.

Topping. The pruning practice of reducing the height or spread of a tree using heading cuts.

Tree. A woody plant typically growing as a single stem or a multiple stem in an upright form that will attain a mature height of at least ten feet and a diameter (DBH) of at least two inches.

Tree Manual. A document containing the technical requirements for tree planting, tree selection, tree maintenance, and tree protection as dictated by the City of Kirkwood. This document is the *City of Kirkwood Tree Manual*.

Tree Protection Plan (TPP). In reference to a plan written by a certified arborist, to protect the public and/or private trees impacted during activities regulated by Section 24-4.

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Tree Study. In reference to documents as part of a Tree Protection Plan that details the full assessment of the public and private trees in relationship to development. These documents are completed by a Certified Arborist.

Undesirable Tree. Any tree classified as invasive or a nuisance by the City of Kirkwood.

Section 24-3. Public Trees

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A. Property Owner Obligations

Trees shall be maintained to meet the City of Kirkwood clearance requirements as outlined in Section 16-2, Nuisances enumerated, subsection (d) of the Kirkwood Code of Ordinances. Permits for satisfying clearance requirements are not required, but no person shall damage, destroy, apply chemicals, remove or prune outside of the obligations contained in Section 16-2 without first obtaining a permit from the City's Urban Forester.

B. Prohibited Acts

It shall be unlawful and an offense of this Code for any person to:

1. Attach any rope, wire, nails, posters, or other contrivance to any public tree.
2. Attach any permanent electrical conductor or apparatus to any public tree.
3. Use tree spurs or climbing spikes on public trees, unless the tree is to be removed.
4. Deposit, store, or maintain any equipment or material that reasonably may be expected to impede the free passage of water, air or fertilizer to the roots of any public tree.
5. Cause any gaseous, liquid, or solid substance which because of the nature or amount reasonably may be expected to be toxic or otherwise harmful to public trees to be located where such substances reasonably may be expected to affect public trees.
6. Cause any fire to burn if such fire, or the heat, smoke, or ash there from reasonably may be expected to injure any portion of any public tree.

C. Required Permits

Any maintenance of Public Trees, outside of the obligations of property owners set forth above, shall require one of the following permits. Permit fees shall be set forth in accordance with Chapter 5, Article VIII, Section 5-208, Schedule on file.

1. Permit to Maintain

Permit to Maintain shall be required for maintenance of Public Trees other than set forth above, including, but not limited to, the following:

- i. Injecting with chemical applications;
- ii. Applying chemical applications;
- iii. Pruning (beyond the owner obligations of Section 24-3(A) Property owner obligations);
- iv. Cable and bracing; or
- v. Adding lightning protection.

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A Permit to Maintain shall only be valid for 30 days after the date of issuance. Tree maintenance shall be performed with care as outlined in the Tree Manual to prevent destruction of structural integrity, health and vigor, and irreversible damage.

2. Permit to Remove

If a property owner desires to remove a Public Tree located in the right-of-way adjacent to their property, the property owner shall apply for a Permit to Remove. The Urban Forester, or appointed representative, shall review the application and inspect the tree. The review shall result in one of the following:

- i. If the tree requested for Removal is determined to be a hazard, the City will manage the removal.
- ii. If the tree is determined not to be a hazard, the application will be presented to the Kirkwood Urban Forestry Commission for review.

- 1) If approved, the Kirkwood Urban Forestry Commission may recommend to the Urban Forester that the adjoining property owner may remove the tree at his/her sole expense. Such recommendations shall be made in writing to the Urban Forester and property owner applying for the permit, and the Urban Forester shall make the final determination.
- 2) As a condition for [Removal](#), the Kirkwood Urban Forestry Commission may recommend to the Urban Forester that the permit applicant plant a tree of at least 2 inches [Caliper](#) of an approved species to be found in the Tree Manual, or pay a [Replanting Fee in the same manner](#) as [allowed](#) in Section 24-4(F)(1).
- 3) The Urban Forester shall determine if the property owner may remove the tree.
- 4) If denied, the tree shall not be removed.

3. Permit to Plant

If a property owner desires to plant a tree in the City right-of-way adjacent to their property, the property owner shall file a Permit to Plant Application. If approved, the following applies:

- i. Upon approval, the applicant shall follow all laws and regulations pertaining to excavation by the state of Missouri;
- ii. By obtaining a Permit to Plant, the permittee shall be exempt from obtaining an excavation permit from the City of Kirkwood on the basis of tree planting; and

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iii. All trees planted shall be selected and planted in accordance with the Tree Manual.

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D. Permit Conditions

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1. The Urban Forester may deny the issuance of any permit authorized under this Section if, in the sole discretion of the Urban Forester, the issuing of the permit is not in the best interest of the City in maintaining the sustainability and health of the urban forest.

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2. All maintenance performed on Public Trees shall be completed by a Certified Arborist, other than maintenance to comply with clearance requirements as set forth above, unless the requirement of a Certified Arborist is waived by the Urban Forester.

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3. Closure of any street or public right-of-way for performance of work shall be completed in accordance with Chapter 20 of this Code.

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4. In the event of severe storms or other emergency situations resulting in extraordinary situations, the Director of Public Services with the coordination of the Urban Forester, may waive any or all parts of this Chapter as deemed necessary.

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ARTICLE II.
TREE PRESERVATION AND PROTECTION

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Section 24-4. Tree Preservation and Protection

A. Tree Preservation and Protection for the City of Kirkwood is required to provide three primary functions:

1. To keep the foliage canopy and branching structure clear from contact by equipment, materials, and activities.
2. To preserve roots and soil conditions in an intact and non-compacted state.
3. To identify the Tree Protection Zone (TPZ) in which no disturbance to soil or any and all parts of the tree both above ground and below shall be permitted.

B. A Tree Protection Plan, including a Tree Study, approved by the Urban Forester, or designee, shall be required for all permits from the Building and/or Engineering Divisions that include:

1. All New Construction, Demolition, Excavation, Grading, and Complete Site Redevelopment, or
2. All partial site development including additions or exterior alterations that impact 33% or more of the lot area.
3. If a project with partial site development does not meet the requirements for providing a Tree Protection Plan listed above, but will include grading or other construction activity/impact within 10 ft. of a Significant Tree and/or City tree, tree protection measures will be required to be installed and maintained throughout the project, but no Tree Study is required.

C. All Tree Protection Plans shall be completed by a Certified Arborist and must follow the protocols outlined here within. Approval shall be determined upon reasonable efforts to preserve trees on the site as determined by the guidelines set forth below.

1. Tree Protection Plans will contain the following:

i. A site map clearly marking:

- 1) Proposed improvements;
- 2) Trees proposed for Removal;
- 3) Trees proposed for Tree Protection including locations of any and all tree protection methods to be used; and,
- 4) Trees shall be numbered.

ii. A Tree Study, if applicable, that contains the following:

- 1) An appraisal and assessment of all public trees, trees on the site greater than 6 inches in diameter, and all trees on neighboring and adjacent property within 10 feet of the property line.

This shall include:

- (a) Tree Number
- (b) Species name (Botanical)

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All tree studies shall be completed and signed by an International Society of Arboriculture Certified Arborist.¶
All plans shall contain:¶

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- (c) Diameter taken at breast height (DBH) and recorded in inches
- (d) Physical Deterioration:
 - (i) Represented as a percentage value of 0-100
- (e) Functional Obsolescence:
 - (i) Represented as a percentage value of 0-100
- (f) External Obsolescence:
 - (i) Represented as a percentage value of 0-100
- (g) Comments
- (h) Total appraised value represented in U.S. Dollars:
 - (i) The Appraisal shall be completed by using the *Trunk Formula Technique (TFT)* from the *“Guide for Plant Appraisal, 10th Edition”*

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2) Canopy Coverage Map

- (a) A site map clearly marking:
 - (i) Existing canopy coverage of the complete lot
 - (ii) Proposed canopy for Removal
 - (iii) Proposed canopy preserved after project completion
 - (iv) Proposed site plan
 - (v) All trees marked and numbered
- (b) A table showing canopy coverage percentages
 - (i) Existing canopy coverage of lot
 - (ii) Post project completion canopy coverage of lot
 - (iii) All trees with corresponding numbers and species

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D. Canopy Coverage Requirements

1. All single family lots shall have minimum tree canopy coverage of 350 square feet per 1000 square feet of lot area (35% coverage).
2. Canopy coverage for existing trees shall be measured as represented in the field. Canopy for newly planted trees shall be estimated using the following rates for species provided in the City of Kirkwood's Recommended Species List.
 - i. Large Canopy Trees: 1,000 square feet
 - ii. Medium Canopy Trees: 700 square feet
 - iii. Small Canopy Trees: 350 square feet

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3. All trees designated to be protected or included in the canopy requirements shall be of a species not listed as a Prohibited Species in the Tree Manual. Existing trees shall be live, healthy trees over 6 inches in diameter and in good or fair condition of health. New deciduous trees shall be a minimum of 2 inches Caliper and evergreen trees shall be a minimum of 8 feet in height.

Any deciduous or evergreen tree planted for the purpose of screening shall receive 25 square feet of canopy per tree, with a limit of 350 square feet to be included in canopy coverage calculations.

E. Tree Replacement Requirements

The following tree replacement requirements shall apply to projects described in Section 24-4(B) unless otherwise noted.

1. Frontage Trees: The developer, builder, or home owner shall be required to plant trees in front of the building line but not within the public right of way approximately five to 10 feet from the public right away along all streets for single family lot development. The trees shall be provided in a ratio of not less than one tree for every fifty (50) feet of frontage. At street corners, the nearest tree shall be planted a minimum 25 feet from the intersection of the street right of way lines. These trees shall be included in calculating Tree Canopy Coverage requirements in 24-4(D).

2. Tree Density and Canopy Coverage: If the canopy coverage requirements in Section 24-4(D) cannot be met through preservation of existing trees, trees shall be provided to meet said requirement. The tree canopy area shall be shown on the final Tree Protection Plan. Canopy coverage estimates for planted trees shall be drawn in accordance with the canopy sizes for trees shown on the City of Kirkwood's Recommended Species list.

If the site does not allow sufficient space for replanting the required number of trees to meet these canopy coverage requirements, it shall be considered a failure to comply with Chapter 24, Article II, and the developer, builder, or property owner must fulfill these requirements through a Replanting Fee as described below in Section 24-4(F)(2).

3. All trees planted as part of tree replacement or canopy coverage requirements are subject to the following specifications:

i. Tree set-back:

- 1) Trees shall not be planted within 5 linear feet of the property line.
- 2) If there is a utility easement, no tree shall be planted within 10 linear feet of the center of the easement unless approved by the City of Kirkwood Forestry Division.

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Commented [CCM4R3]: Correct. This is a new recommendation from Forestry. It would be the start of new requirements to increase in our Canopy % City wide as recommended in the UF Master Plan. This is already a requirement in our Subdivision Code, and could be an easy addition to single family lot development as well.

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ii. Overhead Utilities

1) Only small trees are to be permitted within the utility easement with approval of the City of Kirkwood Forestry Division.

iii. Restricted Trees for use of Canopy Coverage

1) Trees planted within the City Rights of Way are not to be included in Canopy Coverage Calculations.

iv. Planting Specifications

1) All trees must be planted following the *International Society of Arboriculture's Best Management Practices – Tree Planting.*

2) All non-biodegradable material shall be removed from the tree. This includes but is not limited to:

- a. All rope and twine wrapped around the root ball and/or trunk.
- b. The top 1/3 of burlap shall be cut and removed from the root ball.
- c. The top 1/3 of any wire basket shall be cut and removed from the root ball.

F. Failure to Comply with Tree Protection Plans

1. Any failure to comply with an approved Tree Protection Plan or Tree Replacement Requirements shall be deemed as an offense, and the owner and developer shall be subject to the penalties set forth herein. The failure to protect multiple trees on one site shall constitute a separate and distinct offense for each affected tree.

i. Failure to Protect Trees Designated for Protection within the approved Tree Protection Plan. If during development or site disturbance, trees designated to be protected are damaged:

- 1) If the tree is determined that it will need to be removed:
 - a. The builder, developer, or owner shall be required to provide an updated Tree Study and Canopy Coverage Map.
 - b. Replant trees based on the adjusted diameter inch; or
 - c. Pay a replanting fee to the City of Kirkwood of \$250.00 per adjusted diameter inch will be issued for the replacement of the removed trees.

2. Replanting Fee: When canopy coverage requirements are not met; developers, builders, or homeowners shall pay a replanting fee to the City of Kirkwood of \$500.00 per 1000 square feet of canopy.

3. All Replanting Fees shall be placed in a designated bank account solely used for the costs associated with tree maintenance and protection.

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ARTICLE III
PENALTIES AND DAMAGES

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Section 24-5. Penalties

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Failure to comply with the provisions of this Chapter shall be considered a municipal offense, and the City may take actions in accordance with Chapter 1, Article I, Section 1-8 "Violations and Penalties." of the Code of Ordinances of the City.

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Appraised value for damages and violations of any provision of this Chapter shall be determined by the Urban Forester using the latest revision of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture.

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SECTION 3. This Ordinance shall be in full force and effect after its passage and approval, as provided by law.

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Page 3: [23] Commented [JDR1] Jonathan D. Raiche 10/31/2022 3:24:00 PM

I'm not sure what this is referencing. The language in the street code (Ch. 20) is : The fee for each permit shall be as set by the Council by resolution from time to time.

The building fee schedule is referenced as being "on file" in Chapter 5, Article VIII.

Those might be two options for you.

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This is language from the old code. It may need updated.

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BILL 10998

ORDINANCE

AN ORDINANCE FIXING AND ESTABLISHING THE RATE OF TAXATION TO BE LEVIED UPON ALL REAL ESTATE AND CERTAIN TANGIBLE PERSONAL PROPERTY IN THE CITY OF KIRKWOOD, COUNTY OF ST. LOUIS, STATE OF MISSOURI, FOR THE YEAR 2023, FOR THE MAINTENANCE OF THE KIRKWOOD PUBLIC PARKS; FOR THE POLICE AND FIREMEN'S PENSION FUND; FOR GENERAL GOVERNMENT SERVICES AND FOR BUSINESSES IN THE SPECIAL BUSINESS DISTRICT.

WHEREAS, pursuant to State law and the City's ordinances, a public hearing was duly advertised and held on September 7, 2023, setting forth the assessed valuation of real and personal property in the City and the estimated tax rate for 2023, and

WHEREAS, failure to meet this certification could put at risk significant tax revenues that are needed to support the Park System, Police and Firemen's Pension Fund, General Government Services, and Special Business District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That there be and is hereby levied on all real estate and certain tangible personal property, subject to taxation in the City of Kirkwood, County of St. Louis, State of Missouri, for the year 2023:

A tax for the Kirkwood Public Parks of 11.5 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Residential Real Estate for the maintenance and operation of the Kirkwood Public Parks.

A tax for the Kirkwood Public Parks of 13.8 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Commercial Real Estate for the maintenance and operation of the Kirkwood Public Parks.

A tax for the Kirkwood Public Parks of 20.0 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Personal Property for the maintenance and operation of the Kirkwood Public Parks.

A tax for Police and Firemen Pension Fund of 10.0 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Residential Real Estate

A tax for Police and Firemen Pension Fund of 12.7 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Commercial Real Estate

A tax for Police and Firemen Pension Fund of 18.0 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Personal Property.

A tax for General Government Services including Police and Fire of 23.5 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Residential Real Estate.

A tax for General Government Services including Police and Fire of 26.0 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Commercial Real Estate.

A tax for General Government Services including Police and Fire of 34.0 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Personal property.

A tax for businesses in the Special Business District of 34.3 cents for each One Hundred Dollars (\$100.00) of assessed valuation on Commercial Real Estate.

SECTION 2. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

Mayor, City of Kirkwood

ATTEST:

City Clerk
Public Hearing: September 7, 2023
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

City Council certifies the City of Kirkwood property tax rates. These rates are reviewed by the State Auditors office and sent to St Louis County who collects the property taxes. Kirkwood collects property taxes for police & fire Pension, parks, and general government. Public hearing will be held on September 7, 2023.

Recommendations and Action Requested:

I recommend Council approve the rates listed in the ordinance.

Alternatives Available:

Council can approve, deny and/or reduce the property tax rates.

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: N/A

Project #:

If YES, Budgeted Amount:

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted: YES

The City of Kirkwood depends on this revenue source to fund pension contributions, maintain our parks, provide a varied source for general government operations.

BY: Sandra Stephens

Date: 8/30/2023

Authenticated: Stephef

You can attach up to 3 files along with this request.



PPTY Ordinance .docx
Microsoft Word Document
13.7 KB



Revenue Comparison
2023.xlsm
Microsoft Excel Macro-
Enabled Worksheet
40.4 KB



SAO Pro Forma KWD Review
2023-08-07.pdf
Adobe Acrobat Document
601 KB

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

I recommend certifying the attached property tax rates.

BY: Sandra Stephens

Date: 8/30/2023

Authenticated: Stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

Calendar Year 2022 Property Tax Rates

<u>Taxing Authority</u>	<u>Residential</u>		<u>Commercial</u>		<u>Personal Property</u>	
		<u>%</u>		<u>%</u>		<u>%</u>
Kirkwood School District	3.6051	0.55	5.5472	0.63	5.2495	0.60
Special School District	1.0495	0.16	1.0495	0.12	1.0495	0.12
City of Kirkwood	0.4840	0.07	0.5970	0.07	0.7200	0.08
Kirkwood Library	0.2270	0.03	0.2860	0.03	0.3550	0.04
Metro Zoo Museum District	0.2528	0.04	0.2528	0.03	0.2528	0.03
St Louis Community College	0.2787	0.04	0.2787	0.03	0.2787	0.03
County General	0.1650	0.03	0.1860	0.02	0.2090	0.02
County Health Fund	0.1110	0.02	0.1250	0.01	0.1400	0.02
Roads and Bridges	0.0830	0.01	0.0930	0.01	0.1050	0.01
Dev. Disability - Productive Living	0.0700	0.01	0.0860	0.01	0.0900	0.01
Metropolitan Sewer District	0.1053	0.02	0.1053	0.01	0.1053	0.01
Sewers - Sugar Creek	0.0450	0.01	0.1000	0.01	0.0690	0.01
County Park Maintenance	0.0400	0.01	0.0440	0.01	0.0500	0.01
State of Missouri	0.0300	0.00	0.0300	0.00	0.0300	0.00
County Bond Retirement	0.0190	0.00	0.0190	0.00	0.0190	0.00
Total Tax Rate	6.5654	1.0000	8.7995	1.0000	8.7228	1.0000

City of Kirkwood Property Proposed Tax Rates

	Residential	Commercial	Personal Property	Revenue
Parks				
2023	11.5	13.8	20.0	1,578,221
2022	12.4	15.7	20.0	
Estimated Revenue 2023	1,081,845	233,153	263,223	1,578,221
Police & Fire Pension				
2023	10.0	12.7	18.0	1,392,204
2022	10.8	14.4	18.0	
Estimated Revenue 2023	940,735	214,568	236,901	1,392,204
General Government				
2023	23.5	26.0	34.0	3,097,480
2022	25.2	29.6	34.0	
Estimated Revenue 2023	2,210,727	439,274	447,479	3,097,480
2023 Total	45.0	52.5	72.0	6,067,905
2022 Total	48.4	59.7	72.0	
Increase/(Decrease)	(3.400)	(7.200)	-	

Kirkwood Assessed Valuation

	Residential	Commercial	Personal Property
2023	940,734,820	168,951,404	131,611,515
2022	824,314,470	141,059,730	123,772,438
Difference	116,420,350	27,891,674	7,839,077

Special Business District

					Estimated	
Special Business District		Residential	Commercial	Personal Property	Revenue	
2023		n/a	34.3	n/a	159,733	
2022		n/a	38.7	n/a	151,147	
Difference			(4.4)		8,586	

Special Business District		Residential	Commercial	Personal Property
2023			46,569,480	
2022			39,056,040	
Difference			(7,513,440)	

City of Kirkwood

Residential Property Tax Rates

Kirkwood 2023

Property Tax Rate (cents)			1
Appraised			100,000
Assessed (19%)			19,000
Total Tax			1.90

Kirkwood 2023

Appraised

200,000			3.80
300,000			5.70
400,000			7.60
500,000			9.50
600,000			11.40

City of Kirkwood

Commercial Property Tax Rates

		Kirkwood 2023	Kirkwood 2022
Property Tax Rate (cents)		52.5	59.7
Appraised	100,000		100,000
Assessed (32%)	32,000		32,000
Total Tax		168	191

Appraised		Kirkwood 2023	Kirkwood 2022
200,000		336	382
300,000		504	573
400,000		672	764
500,000		840	955
600,000		1,008	1,146



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/7/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

City of Kirkwood 09-096-0045 Parks & Recreation
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

Table with 5 columns: Residential, Agriculture, Commercial, Personal Property, Prior Method Single Rate

A. Prior year tax rate ceiling as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year. (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)
0.1240 0.0000 0.1570 0.2000 0.1365

B. Current year rate computed pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 37 & Line 23 prior method)
0.1150 0.0000 0.1380 0.2000 0.1271

C. Amount of rate increase authorized by voters for current year if same purpose (Form B, Line 8 & Line 11 prior method)
0.0000 0.0000 0.0000 0.0000 0.0000

D. Rate to compare to maximum authorized levy to determine tax rate ceiling (Line B if no election, otherwise Line C)
0.1150 0.0000 0.1380 0.2000 0.1271

E. Maximum authorized levy the most recent voter approved rate
0.2000 0.2000 0.2000 0.2000 0.2000

F. Current year tax rate ceiling maximum legal rate to comply with Missouri laws Political subdivision's tax rate (Lower of Line D or Line E)
0.1150 0.0000 0.1380 0.2000 0.1271

G. 1. Less required sales tax reduction taken from tax rate ceiling (Line F), if applicable
G. 2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies) taken from tax rate ceiling (Line F)

H. Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.

I. Plus allowable recoupment rate added to tax rate ceiling (Line F) If applicable, attach Form G or H.

J. Tax rate to be levied (Line F - Line G1 - Line G2 - Line H + Line I)

AA. Rate to be levied for debt service, if applicable (Form C, Line 10)

BB. Additional special purposed rate authorized by voters after the prior year tax rates were set (Form B, Line 8 & Line 11 prior method if a different purpose)

Certification

I, the undersigned, (Office) of (Political Subdivision) levying a rate in (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date) (Signature) (Print Name) (Telephone)

Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: J AA BB

(Date) (County Clerk's Signature) (County) (Telephone)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/7/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

City of Kirkwood 09-096-0045 Pension
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

Table with 5 columns: Residential, Agriculture, Commercial, Personal Property, Prior Method Single Rate

- A. Prior year tax rate ceiling
B. Current year rate computed
C. Amount of rate increase authorized by voters for current year
D. Rate to compare to maximum authorized levy to determine tax rate ceiling
E. Maximum authorized levy
F. Current year tax rate ceiling
G. 1. Less required sales tax reduction
G. 2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)
H. Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)
I. Plus allowable recoupment rate
J. Tax rate to be levied
AA. Rate to be levied for debt service, if applicable
BB. Additional special purposed rate authorized by voters

Certification

I, the undersigned, (Office) of (Political Subdivision) levying a rate in (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date) (Signature) (Print Name) (Telephone)

Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: J AA BB

(Date) (County Clerk's Signature) (County) (Telephone)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/7/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

City of Kirkwood 09-096-0045 General Revenue
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

Table with 5 columns: Residential, Agriculture, Commercial, Personal Property, Prior Method Single Rate

- A. Prior year tax rate ceiling as defined in Chapter 137, RSMo, revised if prior year data changed or a voluntary reduction was taken in a non-reassessment year. (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)
B. Current year rate computed pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase
C. Amount of rate increase authorized by voters for current year if same purpose
D. Rate to compare to maximum authorized levy to determine tax rate ceiling
E. Maximum authorized levy the most recent voter approved rate
F. Current year tax rate ceiling maximum legal rate to comply with Missouri laws
G. 1. Less required sales tax reduction taken from tax rate ceiling (Line F), if applicable
G. 2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies) taken from tax rate ceiling (Line F)
II. Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)
I. Plus allowable recoupment rate added to tax rate ceiling (Line F) If applicable, attach Form G or H.
J. Tax rate to be levied (Line F - Line G1 - Line G2 - Line H + Line I)
AA. Rate to be levied for debt service, if applicable (Form C, Line 10)
BB. Additional special purposed rate authorized by voters after the prior year tax rates were set (Form B, Line 8 & Line 11 prior method if a different purpose)

Certification

I, the undersigned, (Office) of (Political Subdivision) levying a rate in (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date) (Signature) (Print Name) (Telephone)

Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: J AA BB

(Date) (County Clerk's Signature) (County) (Telephone)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/7/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

Kirkwood SBD

15-096-0008

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

Table with 5 columns: Residential, Agriculture, Commercial, Personal Property, Prior Method Single Rate

Main data table with rows A through BB, including tax rate ceilings, authorized levies, and reductions.

Certification

I, the undersigned, (Office) of (Political Subdivision) levying a rate in (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date) (Signature) (Print Name) (Telephone)

Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: J AA BB

(Date) (County Clerk's Signature) (County) (Telephone)

BILL 10999

ORDINANCE

AN ORDINANCE FIXING AND ESTABLISHING THE RATE OF TAXATION TO BE LEVIED UPON ALL REAL ESTATE AND CERTAIN TANGIBLE PERSONAL PROPERTY IN THE CITY OF KIRKWOOD, COUNTY OF ST. LOUIS, STATE OF MISSOURI, FOR THE YEAR 2023, FOR THE OPERATION AND MAINTENANCE OF THE MUNICIPAL LIBRARY DISTRICT OF KIRKWOOD.

WHEREAS, pursuant to State law and the City's ordinances, a public hearing was duly advertised and held on September 7, 2023, setting forth the assessed valuation of real and personal property in the City and the estimated tax rate of 2023, and

WHEREAS, failure to meet this certification could put at risk significant tax revenues that are needed to support the Municipal Library District of Kirkwood.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That there be and is hereby levied on all real estate and certain tangible personal property, subject to taxation in the City of Kirkwood, County of St. Louis, State of Missouri, and those areas within the Municipal Library District of the City of Kirkwood, Missouri, for the year 2023:

A tax for the Municipal Library District of Kirkwood of 21.2 cents per One Hundred Dollars (\$100.00) of assessed valuation on Residential Real Estate.

A tax for the Municipal Library District of Kirkwood of 24.9 cents per One Hundred Dollars (\$100.00) of assessed valuation on Commercial Real Estate.

A tax for the Municipal Library District of Kirkwood of 35.5 cents per One Hundred Dollars (\$100.00) of assessed valuation on Personal Property.

SECTION 2. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

Mayor, City of Kirkwood

ATTEST:

City Clerk
Public Hearing: September 7, 2023
1st Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan Select... Goal # & Title

Background To Issue:

City Council certifies the Kirkwood Library property tax rates. These rates are reviewed by the State Auditors office and sent to St. Louis County who collects the property taxes. All proceeds from the attached rates are used for the library operations. Public hearing will be held on September 7, 2023.

Recommendations and Action Requested:

I recommend Council approve the rates listed in the ordinance.

Alternatives Available:

Council can approve, deny and/or reduce the property tax rates.

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: N/A

Project #:

If YES, Budgeted Amount:

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted: YES

The Kirkwood Library depends on this revenue source to fund Library operations in Kirkwood.

BY: Sandra Stephens

Date: 8/30/2023

Authenticated: Stepshesf

You can attach up to 3 files along with this request.



PPTY Library Ordinance .docx
Microsoft Word Document
12.8 KB



SAO Pro Forma Library Review
2023-08-07.pdf
Adobe Acrobat Document
301 KB



KWD Library 2023 Property
Tax 2023-08-06.docx
Microsoft Word Document
19.7 KB

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

I recommend certifying the attached property tax rates.

BY: Sandra Stephens

Date: 8/30/2023

Authenticated: Stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

Finance Department

Memorandum

TO: Mayor, City Council and
Russ Hawes, CAO

FROM: Sandy Stephens, Finance Director

DATE: August 6, 2023

RE: Kirkwood Library Proposed 2023 Property Tax Levy

	Residential	Commercial	Personal Property	Total
Assessment -July 1, 2023	931,214,700	149,995,751	129,124,395	1,210,334,846
Assessment 2022	816,554,280	124,192,567	121,408,950	1,062,155,797
Change in Assessment	114,660,420	25,803,184	7,715,445	148,179,049
2023 Proposed Tax Levy	\$ 0.212	\$ 0.249	\$ 0.355	
2022 Tax Levy	\$ 0.227	\$ 0.286	\$ 0.355	
Change in Tax Levy	(\$ 0.015)	(\$ 0.037)	\$ 0.000	
Estimated Revenue Based on 2023 Proposed Tax Levy	\$ 1,974,175	\$ 373,489	\$ 458,392	\$ 2,806,056
Estimated Revenue Based On 2022 Tax Levy	\$ 1,853,578	\$ 355,191	\$ 431,102	\$ 2,639,871
Change in Estimated Revenue	\$ 120,597	\$ 18,298	\$ 27,290	\$ 166,185

Example Tax Bill

	Residential	Commercial
Appraised Value	\$ 500,000	\$ 1,000,000
Assessed Value	\$ 95,000	\$ 320,000
Estimated Property Tax	\$ 201	\$ 797



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/7/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

City of Kirkwood 09-096-0045 Library
Name of Political Subdivision Political Subdivision Code Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

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C. Amount of rate increase authorized by voters for current year if same purpose
D. Rate to compare to maximum authorized levy to determine tax rate ceiling
E. Maximum authorized levy the most recent voter approved rate
F. Current year tax rate ceiling maximum legal rate to comply with Missouri laws
G. 1. Less required sales tax reduction taken from tax rate ceiling (Line F), if applicable
G. 2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies) taken from tax rate ceiling (Line F)
H. Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)
I. Plus allowable recoupment rate added to tax rate ceiling (Line F) If applicable, attach Form G or H.
J. Tax rate to be levied (Line F - Line G1 - Line G2 - Line H + Line I)
AA. Rate to be levied for debt service, if applicable (Form C, Line 10)
BB. Additional special purposed rate authorized by voters after the prior year tax rates were set (Form B, Line 8 & Line 11 prior method if a different purpose)

Certification

I, the undersigned, (Office) of (Political Subdivision) levying a rate in (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date) (Signature) (Print Name) (Telephone)

Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: J AA BB

(Date) (County Clerk's Signature) (County) (Telephone)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

8/7/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts With a Separate Rate on Each Subclass of Property

City of Kirkwood

09-096-0045

Library-Temp

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Summary Page, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

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G. 1. Less required sales tax reduction
G. 2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)
H. Less voluntary reduction by political subdivision taken from tax rate ceiling (Line F)
I. Plus allowable recoupment rate
J. Tax rate to be levied
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BB. Additional special purposed rate authorized by voters

Certification

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Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date) (Signature) (Print Name) (Telephone)

Proposed rate to be entered on tax books by the county clerk based on the certification from the political subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: J AA BB

(Date) (County Clerk's Signature) (County) (Telephone)

BILL 11000

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE I, SECTION 14-1 AND ARTICLE VII, SECTION 14-385 AND DELETING SECTION 14-386 OF THE KIRKWOOD CODE OF ORDINANCES.

WHEREAS, the City previously adopted regulations concerning the use of a hand-held electronic wireless communication device while operating a motor vehicle for individuals under the age of 21 years-old pursuant to Section 304.820, R.S.Mo. and individuals over the age of 21 years old, and

WHEREAS, Section 304.820, R.S.Mo. was repealed by Senate Bill 398, and

WHEREAS, Section 304.822, R.S.Mo. was passed to prohibit the use of a hand-held electronic wireless communication device while operating a motor vehicle for individuals of any age within the state of Missouri, and

WHEREAS, the City Council desires to amend its current regulations to comply with Missouri state legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. City of Kirkwood code Chapter 14, Art. I, Section 14-1, “Definitions” is hereby amended by adding the following:

ELECTRONIC COMMUNICATION DEVICE

A communication, portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically.

(a) Such term shall include but not be limited to: cellular telephones; portable telephones; text-messaging devices; personal digital assistants; pagers; broadband personal communication devices; electronic devices with mobile data access; computers, including but not limited to tablets, laptops, notebook computers, and electronic or video game systems; devices capable of transmitting, retrieving, or displaying a video, movie, broadcast television image, or visual image; and any substantially similar device that is used to initiate or receive communication or store and review information, videos, images, or data.

(b) Such term shall not include: radios; citizens band radios; commercial two-way radio communication devices or their functional equivalent; subscription-based emergency communication devices; prescribed medical devices; amateur or ham radio devices; or global positioning system receivers, security, navigation, communication, or remote diagnostics systems permanently affixed to the vehicle.

OPERATOR

A person who is in actual physical control.

VOICE-OPERATED OR HANDS-FREE FEATURE

A feature or function, whether internally installed or externally attached or connected to an electronic communication device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

SECTION 2. Chapter 14, Art. VII, Section 14-385, “Limitations on use by those 21 years of age and under and operators of commercial motor vehicles” is hereby deleted in its entirety and the following inserted in lieu thereof:

§ 14-385 Use of Electronic Communication Device While Driving Prohibited

1. Except as otherwise provided in this section, while operating a motor vehicle or commercial vehicle upon the roads exclusively within the jurisdiction of the City of Kirkwood, Missouri, no operator shall:

(1) Physically hold or support, with any part of his or her body, an electronic communication device;

(2) Write, send, or read any text-based communication, including but not limited to a text message, instant message, email, or social media interaction on an electronic communication device. This subdivision shall not apply to operators of a motor vehicle using a voice-operated or hands-free feature or function that converts the message to be sent as a message in a written form, provided that the operator does not divert his or her attention from lawful operation of the vehicle;

(3) Make any communication on an electronic communication device, including a phone call, voice message, or one-way voice communication; provided however, that this prohibition shall not apply to use of a voice-operated or hands-free feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on an electronic communication device;

(6) Watch a video or movie on an electronic communication device, other than watching data related to the navigation of the vehicle; or

(7) Record, post, send, or broadcast video, including a video conference, on an electronic communication device, provided that this prohibition shall not apply to electronic devices used for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle.

2. The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers.

3. This section shall not apply to:

(1) Law enforcement officers or operators of emergency vehicles who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties;

(2) Operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;

(3) Operators of a motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function;

(4) Operators of a commercial vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;

(5) Operators of commercial vehicles reading a message displayed on a permanently installed communication device designed for a commercial vehicle with a screen that does not exceed ten inches tall by ten inches wide in size;

(6) Operators using electronic communication devices while the vehicle is lawfully stopped or parked;

(7) Commercial vehicles that are responding to a request for roadside assistance;

(8) The use of an electronic communication device to relay information between a transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle;

(9) The use of an electronic communication device to access or view a map for navigational purposes;

(10) The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or

(11) The use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver, provided the device is mounted or affixed to the vehicle.

4. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under Section 302.302, R.S.Mo.

5. A law enforcement officer who stops a motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death.

6. A violation of this section shall not be used to establish probable cause for any other violation.

7. The provisions of this section shall be subject to the reporting requirements set forth in Section 590.650, R.S.Mo.

8. Prior to January 1, 2025, a law enforcement officer who stops a motor vehicle for a violation of this section shall not issue a citation for a violation of this section and shall only issue a warning.

9. No person shall be stopped, inspected, or detained solely for a violation of this section.

SECTION 3. Chapter 14, Art. VII, Section 14-386, “*Limitations on use by those over 21 years of age*” is hereby deleted in its entirety.

SECTION 4. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk
1ST Reading:
2nd Reading:

Legislation Request

Ordinance

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

The City previously adopted regulations concerning the use of a hand-held electronic wireless communication device while operating a motor vehicle for individuals under the age of 21 years-old pursuant to Section 304.820, R.S.Mo. and individuals over the age of 21 years old. Section 304.820, R.S.Mo. was repealed by Senate Bill 398. Section 304.822, R.S.Mo. was passed to prohibit the use of a hand-held electronic wireless communication device while operating a motor vehicle for individuals of any age within the state of Missouri.

Recommendations and Action Requested:

Amend its current regulations to comply with Missouri state legislation.

Alternatives Available:

Does this project have a public information component? Yes No

Cost: \$0.00 Account #: 0000000000000000 Project #:

If YES, Budgeted Amount: \$0.00 If NO, or if insufficient funding (Complete Step #3).

Department Head Comments: Budgeted: YES

BY: Laurie Asche Date: 8/31/2023 Authenticated: aschelb

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Select...

Purchasing Director's Comments:

BY: Select...

Date:

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

RESOLUTION 102-2023

A RESOLUTION ACCEPTING THE BID OF CONTEMPORARY LANDSCAPE IN THE AMOUNT OF \$103,241.75 FOR THE INITIAL TERM OF 12 MONTHS, WITH THE OPTION TO RENEW FOR UP TO FOUR ADDITIONAL TERMS, PENDING BUDGETARY APPROVAL, FOR KIRKWOOD CITY PROPERTY GROUNDS MAINTENANCE FOR THE FORESTRY DIVISION AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT.

WHEREAS, pursuant to law, the City solicited bids for Kirkwood City Property Grounds Maintenance for the Forestry Division, and

WHEREAS, the most responsible bid received was that of Contemporary Landscape in the amount of \$103,241.75, and which bid acceptance is approved by the Chief Administrative Officer and recommended by the Director of Procurement and the Director of Public Services, and

WHEREAS, staff is recommends the approval of the bid from Contemporary Landscape in the amount of \$103,241.75 for the initial term of 12 months, with the option to renew for up to four additional terms, pending budgetary approval, for Kirkwood City Property Grounds Maintenance for the Forestry Division.

WHEREAS, funds are available in Account #101-04-065-067-000-520075 (Professional Services), with future terms contingent upon budgetary approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The bid of Contemporary Landscape in the amount of \$103,241.75 for Kirkwood City Property Grounds Maintenance for the Forestry Division, for an initial term of 12 months with the option to renew for up to four additional terms, pending budgetary approval, is hereby accepted and approved.

SECTION 2. The Mayor is hereby authorized and directed to enter into a contract with Contemporary Landscape in the amount of \$103,241.75 for Kirkwood City Property Grounds Maintenance for the Forestry Division, for an initial term of 12 months with the option to renew for up to four additional terms, pending budgetary approval

SECTION 3. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan YES Goal # & Title 3: Quality of Life

Background To Issue:

Continued grounds maintenance of City properties. Over 30 properties have been added to our maintenance cycle with an increase of services at high profile facilities to ensure proper care and aesthetics are met to our standards.

Recommendations and Action Requested:

It is recommended that City Council approve the bid provided by Contemporary Landscape GGRK, Inc.

Alternatives Available:

Yes

Does this project have a public information component? Yes No

Cost: \$103,241.75

Account #: 101-04-065-067-000-520075

Project #:

If YES, Budgeted Amount: \$120,000.00

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted: YES

BY: Cory Meyer

Date: 8/29/2023

Authenticated:

You can attach up to 3 files along with this request.

 File Attachment

 File Attachment

 File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 8/30/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



Resolution.pdf
Adobe Acrobat Document
34.3 KB

📎 File Attachment

📎 File Attachment

Step #3: If budgetary approval is required (**Must have Finance Department's approval**).

Budgetary Approval

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

Budgetary appropriation is available and sufficient to approve \$120,000.00 in GL account 101-04-065-067-000-520075, Professional Services to approve the above as requested.

BY: Sandra Stephens

Date: 8/30/2023

Authenticated: stephesf

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

August 30, 2023

To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Kirkwood City Property Grounds Maintenance, Bid 13936

Sealed bids were opened on August 14, 2023. The bid tabulation is as follows:

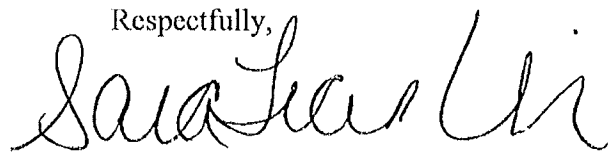
<u>Vendor</u>	<u>Total</u>
Contemporary Landscape	\$103,241.75
Macc Contracting, Inc	\$114,169.40
MidWest Scapes, LLC	\$359,566.50

Bid requests were sent to a total of 168 suppliers, however, only the three (3) suppliers above submitted bids.

The bids were provided to Cory Meyer, City Forester and Chris Krueger, Public Services Director, for review. It is recommended that the bid be awarded to Contemporary Landscape, as their bid of \$103,241.75 is the lowest responsible bid meeting specifications.

Attached is a request from Cory Meyer, for a resolution authorizing a contract to be issued to Contemporary Landscape, at the rates provided, for Kirkwood City Grounds Maintenance. The contract term is for one (1) year with the option to renew for up to four (4) additional one (1) year terms pending budgetary approval.

Respectfully,



Sara Foan-Oliver
Procurement Director

RESOLUTION 103-2023

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE AGREEMENT FOR POLICE, EMERGENCY MEDICAL SERVICES (EMS), AND FIRE DISPATCHING SERVICES, AND AMBULANCE SERVICES WITH THE CITY OF GLENDALE.

WHEREAS, the Cities of Kirkwood and Glendale entered into an Agreement for Police, Emergency Medical Services (EMS), Fire Dispatching Services, and Ambulance Services for a term to December 31, 2025, and

WHEREAS, the Parties now wish to amend and modify the Agreement to allow the City of Glendale to utilize its own medical control.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. The Mayor is hereby authorized and directed to enter into a First Amendment to the Agreement for Police, Emergency Medical Services (EMS) and Fire Dispatching Services and Ambulance Services with the City of Glendale (a copy of which is attached by reference herein and attached hereto).

SECTION 2. This Resolution shall be in full force and effect after its passage and approval.

PASSED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2023.

Mayor, City of Kirkwood

ATTEST:

City Clerk

Legislation Request

Resolution

Place On The Agenda Of: 9/7/2023

Step #1:

Strategic Plan NO Goal # & Title

Background To Issue:

WHEREAS, Kirkwood and Glendale entered into an Agreement For Police, Emergency Medical (EMS) and Fire Dispatching and Ambulance Services Agreement effective on or about August 17, 2020 (the "Agreement"), and;

WHEREAS, the Parties now wish to amend and modify the Agreement to allow Glendale to utilize its own Medical Control.

Recommendations and Action Requested:

Adopt the attached amendment through resolution that specifies an alteration of section 3.4 of the "Kirkwood and Glendale Agreement for Emergency Medical (EMS), Fire Dispatch, and Ambulance Service Agreement," which removes the verbiage mandating that Glendale utilizes the same Medical control as Kirkwood Fire.

Alternatives Available:

None

Does this project have a public information component? Yes No

Cost: \$0.00

Account #: 0

Project #: 0

If YES, Budgeted Amount:

If NO, or if insufficient funding (Complete Step #3).

Department Head Comments:

Budgeted: YES

This has been discussed and approved by Mr. Hawes and the Glendale City administration. The attached document was developed by Sarah White.

BY: James Silvernail

Date: 8/25/2023

Authenticated:

You can attach up to 3 files along with this request.



City of Kirkwood -
Amendment to Police EMS
and Fire Dispatch
Agreement.2.docx
Microsoft Word Document
21.2 KB

File Attachment

File Attachment

Step #2: If request involves approval of bids, contracts, proposals, purchases, etc. **(Must have Purchasing Director's approval).**

Approve

Purchasing Director's Comments:

BY: Sara Foan-Oliver

Date: 8/30/2023

Authenticated: sfo

You can attach up to 3 files along with this request.



Resolution.pdf
Adobe Acrobat Document
31.6 KB

 File Attachment

 File Attachment

Step #3: If budgetary approval is required **(Must have Finance Department's approval).**

Select...

From Account # or Fund Name:

To Account # or Fund Name:

Finance Director's Comments:

BY: Select...

Date:

Authenticated:

Step #4: All Requests Require Chief Administrative Officer Approval for Placement on Meeting Agenda.

Approve Disapprove

Chief Administrative Officer's Comments:

BY: 

Date: 8-31-23

**FIRST AMENDMENT TO THE AGREEMENT
FOR POLICE, EMERGENCY MEDICAL SERVICE (EMS),
FIRE DISPATCHING SERVICES AND AMBULANCE SERVICE**

This First Amendment to the Police, Emergency Medical (EMS) and Fire Dispatching and Ambulance Services Agreement (the “First Amendment”) is made and entered into on the ___ day of _____, 2023 (the “First Amendment Effective Date”) by and between the CITY OF KIRKWOOD, a municipality organized and existing under the laws of the State of Missouri (hereinafter “Kirkwood”) and the CITY OF GLENDALE, a municipality organized and existing under the laws of the State of Missouri (hereinafter “Glendale”). Kirkwood and Glendale are each individually referred to herein as a “Party” and collectively as the “Parties”.

WHEREAS, Kirkwood and Glendale entered into an Agreement For Police, Emergency Medical (EMS) and Fire Dispatching and Ambulance Services Agreement effective on or about August 17, 2020 (the “Agreement”), and;

WHEREAS, the Parties now wish to amend and modify the Agreement to allow Glendale to utilize its own Medical Control.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises and conditions as set forth in the Agreement and this First Amendment, the receipt and adequacy of which is hereby agreed to and acknowledged, the Parties agree as follows:

1. Section 3.4. As of the First Amendment Effective Date, Section 3.4 of the Agreement is hereby deleted in its entirety and the following inserted in lieu thereof:

“Glendale will continue to maintain its licensure through the State of Missouri as an Emergency Medical Response Agency and report data to the State through its ePcr product. Glendale agrees to procure and utilize the same ePcr reporting software (ESO ePcr Suite, including the HDE module) utilized by Kirkwood.”

2. Counterparts. This First Amendment may be executed in one or more facsimile or original counterparts, each of which shall be deemed an original and both of which together shall constitute one and the same instrument.

3. Ratification. All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect.

4. Authorization. Each Party executing this First Amendment represents and warrants that it is duly authorized to cause this First Amendment to be executed and delivered. This First Amendment has been carefully read by, the contents hereof are known and understood by, and each Party executing this First Amendment signs it freely, and each Party executing this First Amendment in a representative capacity is empowered to do so.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the First Amendment Effective Date.

THE CITY OF KIRKWOOD, MISSOURI

THE CITY OF GLENDALE, MISSOURI

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

August 30, 2023

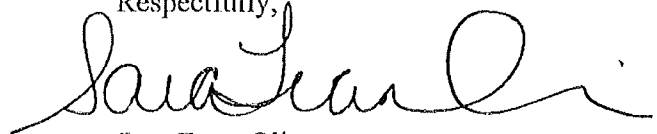
To: Russell B. Hawes, Chief Administrative Officer

For Your Consideration: Police, Emergency Medical (EMS), Fire Dispatching and Ambulance Services; Amendment

The Kirkwood Fire department entered into a contract with the City of Glendale on August 17, 2020 for Police, Emergency Medical (EMS), Fire Dispatching and Ambulance Services. The department is requesting approval to accept the proposed amendment to section 3.4 of this contract, which will remove the verbiage mandating that Glendale must utilize the same medical control as Kirkwood Fire.

Attached is a request from James Silvernail, Fire Chief, for a resolution accepting the amendment to the Police, Emergency Medical (EMS), Fire Dispatching and Ambulance Services contract between Kirkwood and Glendale.

Respectfully,

A handwritten signature in black ink, appearing to read "Sara Foan-Oliver". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Sara Foan-Oliver
Director of Procurement



WHERE COMMUNITY AND SPIRIT MEET™

August 24, 2023

Russell B. Hawes
Chief Administrative Officer

At the August 23, 2023 meeting of the Planning and Zoning Commission, the following action was taken:

1. By a vote of 1-4, the Commission failed to recommend approval of a Special Use Permit for a Tobacco & Vapor Products Store at 10424 Manchester Road. A public hearing before City Council is required.

The next meeting of the Planning and Zoning Commission will be held on September 20, 2023 as there is no business for the September 6 meeting.

Respectfully submitted,

Jim Adkins, Chair
Planning and Zoning Commission